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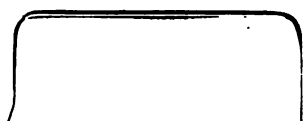
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**ADDRESSES ON**

**THE CIVIL SABBATH,**

**FROM A**

**Patriotic and Humanitarian Standpoint,**

**WITH APPENDIX CONTAINING**

**Sabbath Laws of all the States and Territories,**  
**Judicial Decisions, Replies to Seventh Day Adventists, etc.**

**BY**

**WILBUR F CRAFTS,**

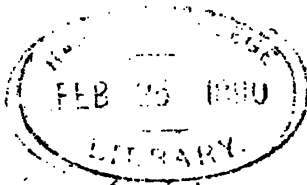
*Author of "The Sabbath for Man," etc., etc.*

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ADDRESSES

ON

THE CIVIL SABBATH,

FROM A

Patriotic and Humanitarian Standpoint,

BY

*WILBUR F. CRAFTS*

*Author of "The Sabbath for Man," etc.*

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Your work if kept up and kept pure will lead a ransomed nation of slaves—slaves to our modern civilization—to an exodus from the house of bondage. The Great Liberator send you victory.—*From letter of* REV. JOHN GRITTON, D. D., *Sec. Lord's Day Observance Society, London.*

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Experience and observation convince me that all who work with hand or brain require the rest which a general observance of the Sabbath only can secure. The philanthropist and the Christian may approach the subject from different directions ; but whether we regard man as an animal or an immortal, we should unite in securing for him the rest that body and spirit both demand for their best condition and highest good. Those who do not find the Divine command in the Book cannot fail to find it in the man.—PRESIDENT BENJAMIN HARRISON, *in letter dated June 3, 1889, to Paris Sabbath Congress.*

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## PRELUDE.

There are seven reasons for the Rest Day, reasons why it should be observed and preserved :

*First*—Because it is a law of nature.

*Second*—Because it is a law of the State.

*Third*—Because it is a law of the Church.

*Fourth*—Because it is a law of Apostolic example.

*Fifth*—Because it is a law of Christ.

*Sixth*—Because it is a law of the world's Sinaitic constitution.

*Seventh*—Because it is a law of Eden, where the "Sabbath was made for man."

The author of this book accepts all the planks of this platform, but gladly coöperates in Sabbath reform with any who accept even one of them. In "The Sabbath for Man" all of the above propositions are defended.

The "Sabbath Reform Library," of which this book is the first quarterly number, in its issues for 1890 will supplement that book with fresh material on all phases of the subject.

This book deals only with the civil aspects of the Sabbath, on which there is substantial agreement among all good citizens. It is a defense of the Rest Day against the attacks of those who would open it to toil or dissipation to gratify their avarice or their lusts, and their unconscious allies the advocates of the Saturday Sabbath.

The use of the word "Sabbath" in this volume on the *civil* aspects of the subject calls for an explanatory paragraph. Sabbath is used rather than Sunday for two reasons : First, because the word Sabbath has the right of way *historically*, being the oldest term to designate a weekly rest day ; second, because it is *philologically* a less religious term, for while Sunday means a day for worshipping the Sun, Sabbath means simply *rest*, not religion. The whole seventh year of the Jewish System was called Sabbath. It was not all worship. Sabbath means simply a period of release from routine, a time of orderly rest, and so is a far more suitable word to describe what is intended by our Sabbath laws than the word that is so inseparably associated with the toil and dissipation of the "Continental *Sunday*."

Accordingly Sunday is used in this book, except in quotations, only to express perversions of the Day, such as "Sunday work" and "Sunday amusements."

In England the word Sunday is generally used by those who wish to make it a holiday; "Sabbath" or "Lord's Day" by those who would preserve it as a day of opportunity for rest and religion. "Lord's Day" and "Christian Sabbath" are the suitable terms for the *religious* aspect of the subject, but "Civil Sabbath" means the Civil Rest Day, and so exactly expresses the American idea, which enforces only the rest, the cessation of labor and business, and leaves the people to devote the day to religion, or not, as they choose.

These chapters are not essays, but addresses for the people—and in part *by* the people, as will be seen. I have not thought best to erase from the reports the expressions of public sentiment, which are an important factor in the solution of Sabbath problems.

W. J. C. Berry, Librarian of the New York Association of the Bar, has aided in editing for this book what we believe to be the first complete collection of the Sabbath laws of the United States and the important Court decisions upon them, giving full text of each law, and decisions in form for legal use, all brought down to date. The author has added some suggestions of amendments and other notes.

Such a collection is greatly needed, not by lawyers alone, but also by ministers and other friends of the Sabbath, who can seldom tell exactly what their Sabbath law forbids and what it permits.

NEW YORK CITY, Jan. 11, 1890.

*Wilbur F. Crafts.*

FOR CONTENTS AND TOPICAL INDEX, SEE CLOSING PAGES.

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**THE SABBATH IMPERILLED BUT NOT SURRENDERED.**

*The Interior, Chicago :* "Sabbath observance is undeniably gaining ground."

*The Advance, Chicago :* "We recall no time when the managers of railroads were apparently so willing, and in some cases, so eager, to lessen Sunday traffic Agitation is bearing its fruit."

*The Evangelist, New York :* "There are not wanting some signs of a healthful reaction."

*The Independent, Burlington, Vt. :* "The movement seems to gain strength everywhere."

*State Register, Des Moines, Ia. :* "There is plainly a reaction in public sentiment in favor of refraining from all unnecessary work on the Sabbath. A few years ago business began to follow pleasure in encroachments upon the day of rest, and a vast amount of work has been done on Sunday that has been called necessary, only because habit had seemed to make it such. Within the last few months there has been a manifest change in public feeling on this subject. The absolute importance, from a physical, if not religious, standpoint, of taking one rest day in seven, is forcing itself upon the public mind. Men are beginning to see that they can do better work themselves, and can get better service from their employees, when they give the mind and body the regular relaxation of one day's rest."

**CHARLES WORCESTER CLARK**, (in *Atlantic Monthly*, Sept., 1889.) : "In insisting on liberty of action as well as of conscience, we overlook the fact that our manner of using our Sunday freedom often deprives others of theirs. A hundred years ago, or even fifty years ago, there was little danger of this. Then nearly every man was his own master, and could work or not on Sunday, as he pleased. In our present social system, the employed are the multitude, the employers the few. The enlargement

and concentration of industry have reduced to a small proportion of the whole community the number of those who can decide the question of Sunday labor for themselves. In this way it has naturally come about that the avarice of employers, combined with the selfishness of the public, has been gradually depriving more and more of the workers, and often the hardest workers, of their rest-day. If our Sunday, then, is to be preserved, it must have the protection of the law. Yet experience has shown clearly enough that law avails little without the support of public sentiment. That the great majority of the American people do appreciate their day of rest, and desire to protect it, I think is beyond dispute. The petition lately presented to Congress, known as the "fourteen-million petition," though it had by no means that number of actual signers, probably represented the sentiments of almost every one of those whose delegates or representatives signed it for them, as well as of those who personally affixed their names."

*Commercial Gazette, Cincinnati :* "Unquestionably the business world is coming to the conclusion that the Res Day is an economical feature that can not safely be disregarded. Man needs rest, machinery needs rest, the brute creation needs rest, land needs rest. The principle is broad, deep, enduring."

*Toledo Blade :* "Each year finds more Sunday labor done in our cities, and the tendency in this direction gains momentum steadily. It is time to call a halt."

*Christian Advocate, New York :* "Eternal contention is the price of preserving anything from the encroachments of selfishness and license."

**BISHOP KINGSLEY** (on return from extended tour) : "Brethren, there are a good many hard day's work between this and the Millenium."



# PROGRESS OF SABBATH REFORM IN THE UNITED STATES IN 1889.

AN ADDRESS BY REV. WILBUR F. CRAFTS,  
IN ASSOCIATION HALL, 86TH STREET,  
NEW YORK CITY, DEC. 20TH, 1889:

At Jabez Bunting's funeral, when the officiating minister remarked, as is usual on such occasions, "There are no more such great and good men left," an eccentric but veracious woman exclaimed aloud, "Thank God, *that's a lie*." The same remark is appropriate when any pessimist moans, "The Sabbath is gone." "Thank God, that's a lie." "He that ploweth, should plow in hope." "We are saved by hope." We are lost by despair. Truth has no greater foe than the distrust of some of its friends in its power. When David, pursued by Saul, had no other encouragement, "he encouraged himself in God." He sang, "The Lord reigneth, let the earth rejoice." In a storm at sea, a trembling woman asked the captain, "Is there any danger?" He replied, "We must trust in God," at which she exclaimed, in terror, "Has it come to that?" It has *not* "come to that," in the sense she meant it, in Sabbath reform. Joshua received almost simultaneously from God and the people the message, "Be strong and of a good courage." So to-day not only the promises of God but the events of the year in Sabbath reform cry with a thousand tongues to its friends, "Be of good courage."

No other year of the last twenty-five has seen so many petitions against Sunday work, the organization of so many Sabbath associations, the fighting of so many brave battles against Sunday saloons, the winning of so many victories under the banner inscribed, "The Barber's Sunday," the writing of so many articles and letters, and the utterance of so many fearless addresses and sermons, in behalf of this imperiled day, as the year now about to close. This is the *Annus Mirabilis*, the year of wonders, in Sabbath reform—and in Sabbath-breaking also.

Let us glance at some facts of the year that show that the Sabbath, though imperiled, is *not surrendered*.

New England has not in this reform kept its usual place, at the head, but leads the other end of the class. The real New England has "gone West," and the Central States are the "hub," nay more, the *heart*, of the country, morally as well as geographically. I do not mean to say that the Sabbaths of New England are as bad as those of Chicago. Vermont is the only State in which the Woman's Christian Temperance Union has no Sabbath Observance Superintendent, the reason being, that whatever may be the wrongs in Vermont, Sabbath-breaking is not one of them. This can not be said, however, of other New England States, although none of them are as far down the toboggan slide as States farther West. The point I make is that New England is in peril from Sunday work and Sunday dissipation, and is doing next to nothing to save itself or the country from this danger. It seems to be sliding in its sleep, waiting to be waked up by a smashup at the foot of the hill, like Cincinnati. In Sabbath reform, New England is slowly retreating, while the Central States are charging the foe. The only conference of ministers, so far as I know, that has declined to indorse the petition to Congress against Sunday trains and Sunday mails was convened in New England. Massachusetts passes by on the other side, indifferent to the wounds inflicted on her Sabbath law, which, not long ago, fell among thieves, who mangled it and stripped it, in the interest of greed and lust, and left it more than half dead because every drop of equity had flowed out of it. It forbids the poor to open their penny shops on the Sabbath, but authorizes the railroad millionaires to sell their tickets and keep their employees at work. "*God save* the Commonwealth of Massachusetts." New England is the only section of our country where you can find half a dozen contiguous States, none of which have organized for the defense of the Sabbath. New Hampshire is the only one of her States that has yet even decided to fall into line.

But even in New England the Sabbath is by no means surrendered. A representative of the American Sabbath Union has been welcomed to leading pulpits of Bridgeport, Worcester and Boston, and a Sabbath Committee was constituted in the latter city, whose history or obituary is yet to be written.

The following action was taken by the Congregational National Council at Worcester, Mass., October, 1889: "Resolved, That this Council rejoice in the rising tide of interest in the matter of a better observance of the Lord's Day, in the multiplication of State and local organizations for the promotion of this object, and that we will use our utmost endeavor to secure such National legislation as shall prevent all unnecessary labor in connection with the United States mail and military service and interstate commerce on the Lord's Day."

Connecticut has held, for another year, with only slight loss, its advanced place as "the banner State" in reduction of

#### SUNDAY WORK ON RAILROADS.

The banner, indeed, is not on the heights, but in the marsh. For railroad purposes in Connecticut, as for saloon purposes in Texas, wiser-than-Solomon State legislators have decided that not twenty-four hours, but a sacred seven, half on each side of noon, shall constitute the Rest Day. Freight trains, with certain needless exceptions, are forbidden from sunrise to sunset, but such trains as may be worked by "Mercy and Necessity," the Railroad Commissioners may permit on Sabbath morning, and so milk trains and newspaper trains are allowed, on the ground, I suppose, that it is as necessary for men to have their scandals fresh as for babies to have fresh milk. Even Connecticut's star, you perceive, does not shine with unclouded light, but there is at least circumstantial evidence that the Sabbath is not there surrendered in the fact that they are able to defend, year after year, the ten thousand railroad men from whom even their imperfect law struck the iron chains of their Sunday slavery.

#### LIGHT ON THE PROBLEM OF GREAT CITIES.

Best of all tokens for good from New England is the fact that in Boston the Sabbath is no longer the pocket borough of the Saloon. This is due to the fact that the State of Massachusetts has learned, what all other States that contain great cities must learn—at last if not at first—that it will not do to give home rule to a cancer. The city that elected the sluggers' friend to be its mayor, at the same time elected the State to be its real ruler. Putting the lance to the very root of the disease, Massachusetts took upon herself the appointment of Boston's Police Commissioners, and so of her police. The lawless had been saying for years, "Let us appoint the city's police and we care not who makes its laws." State law is now made effective by State police. The State, as it were, has sent maps to the city fathers—stepfathers they are—to teach them a geography lesson they had failed to learn, namely, that Boston is in the State of Massachusetts and subject to its laws. We often hear it intimated that this or that State law can not be enforced in a large city because the city council has refused or failed to re-enact it into a city ordinance. As well say that a group of children are not bound to obey a parent's order because they have not met and ratified it. The Massachusetts Law and Order League, of which L. Edwin Dudley, of Boston, is Secretary, through the leverage of this State law, which the League was largely influential in securing, have been able to close the saloons of Boston on the Sabbath, front and rear, to an extent that is rarely equalled. Such a law and such a League is needed for every large city.

Turning to what are absurdly called "The Middle States," which are really the breast bone of our territory, under the New England head, the record is only slightly better than New England's. New York, like Massachusetts has left her mangled Sabbath law through another year unhealed. Barred windows would have been appropriate for the Capitol in 1883, when the "inmates" (not true

legislators) committed high crimes against humanity and equity, after first forbidding Sunday toil and traffic in general, by permitting the sale of tobacco, newspapers, fruit and confectionery all day, and food until 10 A. M. Even in the "Sunny South," in Summer, it has not been found necessary to keep the journeymen bakers and grocery boys toiling through the morning of the Rest Day; much less is it necessary in New York. I spent the first Sabbath of the year, and another since, investigating New York streets, and there is scarcely any kind of toil or traffic that I did not find in progress somewhere. I started out to write down a list of the places *open*, but found it would be easier to make a record of the places *closed*.

#### ONE IMPORTANT VICTORY FOR SABBATH REFORM IN NEW YORK CITY

is the recent payment to the Metropolitan Museum of the \$400,000 appropriated to it by the State Legislature, which struck out a condition that it should open on Sunday—a condition which the Mayor, attempting to swell into a whole legislature, restored on his own authority, but, after much bulldozing of the trustees, has had to drop at last. It is to be hoped that he and other mayors will cease their attempts to veto State laws.

A movement promoted by some owners of New York horse car lines, to have the companies cut off one Sabbath per fortnight as a morsel of rest for the employees, *with a corresponding reduction of wages*, seems to have satisfied neither the men nor the managers, and the public has heard of no result. It is not fair to make a man choose between two dollars for home comforts and his duty to rest. Men do better, if not more, work, with a Sabbath of rest than without it, and therefore ought to have as much pay. In fact, the law ought to allow no one, even in works of necessity and mercy, to hire another or be hired for more than six days in any one week, one whole twenty-four hours, or two half days being allowed for rest, which would give all men their full week's ages for six days' work. To-

ronto proves that Sunday street cars are not works of necessity. If the majority that rule, in our land think otherwise, they should at least give every employee twenty-four hours a week of release, a part of it on the Sabbath—for instance, one shift resting from 1 P. M. of Saturday to 1 P. M. of Sabbath, and then the other to 1 P. M. of Monday.

In contrast to the failure just mentioned, we note the success of Col. Elliott F. Shepard, in stopping the Sunday work of the 5th Avenue Stage Line. The transportation business of this country is a car of Juggernaut, under whose wheels a million and a half are being crushed by Sunday work. It is pleasant to find one "Stagery" that will not pull at its ropes. In this connection, it should be mentioned that the Binghamton Sabbath Association, one of the most efficient local Sabbath Associations in the land, is making a specialty of "Sunday Rest for Railroad Men," circulating a paper so headed, and otherwise seeking to check this mighty and destructive car.

In the observance of the Rest Day, the "Keystone State" is indeed at the highest point in the arch of States. (The whole arch is, however, a low one.) While other States have surrendered part of their Sunday laws, under the attacks of selfishness, Pennsylvania retains the *magna charta* of her toilers intact, and—what is more—enforces it. Among the large cities of our country, Pennsylvania's three chief cities, Philadelphia, Pittsburgh and Scranton, though their largest room is "room for improvement," are unequaled in the orderliness and restfulness of their Sabbaths. Philadelphia's Sabbath Association is the oldest, and one of the best, in the land. Philadelphia's *Ledger*, the best morning paper in our country, equaled in quality by none, and in financial prosperity by only one, has shown that Sunday editions are not necessary to success. In the same city, the greatest merchant in the world has proved that even worldly winning does not require Sunday advertising. And the Delaware, Lackawanna and Western Railway, whose headquarters are at Scranton, though it has not yet

attained perfection on this point, has the best record of any trunk line in the matter of reducing

#### SUNDAY TRAINS,

largely through the influence of Hon. Wm. E. Dodge.

The Pennsylvania Railway is also to be commended for introducing the recent movement to reduce Sunday railroad work, in which nearly a score of railroads—notably the Vanderbilt lines—have joined, and by which, as Chief Arthur of the Brotherhood of Locomotive Engineers estimates, at least 75,000 railroad men have this year been added to the list of those who rest on the Sabbath, and four times as many in their homes have been gladdened. This, of course, is only a beginning—hardly more than a confession that the railroad corporations, in this Sunday work, are on the wrong track. It is like the case of the tippler who finds that his beer makes him “dizzy,” and so cuts down his daily allowance from thirty glasses to twenty-seven. What we want in this matter of Sunday work is total abstinence.

It will be appropriate to mention here, though belonging to the whole country, as one of the pleasant surprises of the year, a group of confessions from sixty-five railroad officials. In response to a list of questions, these presidents, superintendents, managers and other high officials of the railroads, with only nine exceptions, admit that there is “more Sunday work done by railroads than is necessary;” that the work could be “lessened without loss either to the roads or to the public;” that “the railroad work now done in seven days could be done in six”—some would make exceptions for perishable freight and live stock. Many of them believe “the work could be done *better* in six days than in seven, because of the better condition of the engineers and other employees.” Best of all, thirty-one declare that there is no real obstacle to “the complete suspension of interstate Sunday trains.” The answers of most of these indicate that they see no obstacle to stopping all Sunday trains. One railroad president concisely proclaims the

remedy for this needless Sunday work: “The only way is to have a special act of Congress making it a general law.” Many of these officials have signed the petitions for such a law. Here certainly are several wonders. It is a grateful surprise to many that the railroad officials are not generally to join with the infidels and saloonists and Sunday papers and Seventh day Adventists in resisting the plea of the workingmen for a Sunday Rest Law.

The best Sabbath-keeping section of the United States lies along our Eastern Coast between Delaware and Mississippi. This is partly due to the fact that so few noxious weeds are transported to that section from Castle Garden. Politicians there have no “German vote” to fear. Southern mechanics are mostly Americans, and the negro laborers are friends, not foes, of the Sabbath.

#### THE SOUTH IS “SOLID” FOR THE SABBATH.

Rum and railroads, however, with the aid of the United States mails, are making ugly breaches in the wall of Sabbath rest, and the “New South’s” manufacturing attractions bring new perils with new gains, which make it important for the friends of the Sabbath there to organize more thoroughly for its defense.

Baltimore calls to mind the National Lay Congress of

#### ROMAN CATHOLICS,

which, after correspondence and conference with the American Sabbath Union, passed its famous resolution in favor of coöperation with Protestants in Sabbath reform, of which the following is a full and correct copy:

“There are many Christian issues in which Catholics could come together with non-Catholics and shape civil legislation for the public weal. In spite of rebuff and injustice, and overlooking zealotry, we should seek alliance with non-Catholics for proper Sunday observance. Without going over to the Judaic Sabbath, we can bring the masses over to the moderation of the Christian Sunday. To effect this, we must set our faces sternly

against the sale of intoxicating beverages on Sunday. The corrupting influence of saloons in politics, the crime and pauperism resulting from excessive drinking, require legislative restriction which we can aid in procuring by joining our influence with that of the other enemies of intemperance. Let us resolve that drunkenness shall be made odious, and give practical encouragement and support to Catholic temperance societies. We favor the passage and enforcement of laws rigidly closing saloons on Sunday and forbidding the sale of liquors to minors and intoxicated persons."

Washington is associated with four of the wonders of the year—one on the dark side—the darkest of the year—  
INAUGURATION SUNDAY.

Is it not a wonder that the coming to power of a Sabbath-keeping President should have been celebrated by an attack upon the American Sabbath, not by soldiers and citizens only, but by Congress also. The greatest wonder of all is that the Christian men of Congress did not, as on a former occasion, prevent a Sunday session, by denying the right of Congress to require Sunday work of any of its members, and retiring in a body and so destroying the quorum. Instead of such a protest, there was only the shallow jest, called up by a Sunday motion relating to the Sunday Rest Bill that it was not proper to work on such legislation on the Sabbath.

It is not generally known that Congress publishes by the Sunday toil of government employés, the most inexcusable of all Sunday papers, the Sunday edition of the *Congressional Record*, which has not even the poor excuse of furnishing news and light reading, for it contains only the Saturday proceedings of Congress, which our Statesman would have as much time to consider as those other of days if it was issued on Monday. Congress is responsible also for the only Sunday delivery of ordinary mail that can be found in the land. Wagons drive about the streets of Washington on Sabbath morning, carrying to Congressmen, who certainly

need a day for rest, if not religion. The letters of their constituents calling for seeds and "spoils." These wagons are not driven by uniformed carriers, but it is doubtless this precedent that has led to the Sunday delivery of ordinary mail by carriers at the hotels of Washington while hotels elsewhere can get their Sunday mail only by sending for it. This custom will have to be stopped or extended to an impartial Sunday delivery for all citizens, with unmerciful and unnecessary Sunday toil for all carriers.

Thank God, if we have not a Sabbath-keeping Congress, we have at least a Sabbath-keeping President and cabinet.

The following is the full text of the President's Proclamation against

#### SUNDAY WORK IN THE ARMY.

General Orders, No. 50.

#### HEADQUARTERS OF THE ARMY,

ADJUTANT GENERAL'S OFFICE,

WASHINGTON, June 12, 1889.

The following order of the President is published for the information and guidance of the Army, viz.:

EXECUTIVE MANSION, June 7, 1889.

In November, 1862, President Lincoln quoted the words of Washington to sustain his own views, and announced in a general order that—

"The President, Commander-in-Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath by the officers and men in the military and naval service. The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people, and a due regard for the Divine will demand that Sunday labor in the Army and Navy be reduced to the measure of strict necessity."

The truth so concisely stated cannot be too faithfully regarded, and the pressure to ignore it is far less now than in the midst of war. To recall the kindly and considerate spirit of the orders issued by these great men in the most trying times of our history, and to promote contentment and efficiency, the President directs that Sunday morning inspection will be merely of the dress and general appearance, without arms; and

the more complete inspection under arms, with all men present, as required in par. 950, A. R., 1889, will take place on Saturday.

BENJ. HARRISON.

By the President:

REDFIELD PROCTOR,

Secretary of War.

By command of Maj. Gen. Schofield:

J. C. KELTON,

Official: Adjutant-General.

We need a law of Congress to make this reform permanent, lest it shall expire, as did a similar proclamation of Andrew Jackson, with the expiration of the authority of its author.

To our "regulars," Sunday parades are not even Sunday amusement. They are "works of gain," and as such should be intermitted on the Sabbath out of regard to the soldier's right to rest and his rights of conscience. When there is neither war nor insurrection, no Sunday work, except necessary guard duty, should be required of soldiers. Washington and Lincoln and Lee, even in the midst of war, ordered that their soldiers should be relieved of all unnecessary work on the Sabbath. In these "piping times of peace" the United States army and navy are small affairs, but a correct example on the part of the Government as an employer is a very great matter.

POSTMASTER GENERAL WANAMAKER

has won golden opinions, even among political opponents, especially in the South, for what he has done to diminish Sunday work. He has emancipated not a few from Sunday slavery by the four reductions he has already made—in the Department, on "Star routes," on pleasure routes, and in the money order division—and will doubtless do much more in this line; but, in any case, law will be needed, if only to make his reforms outlast his own term.

In his first report to Congress, which contains two pages on "Sunday Mails" (pp. 23-4), he plainly intimates that reductions of Sunday work in the post-offices will be very difficult and very slight so long as the railroads are required to dump their loads of mail into

the offices on the Sabbath as on other days.

Washington also brings to mind three other encouragements of the year. When the 50th Congress adjourned on the 4th of March it had received petitions for a law against needless Sunday work in the mail and military service and in interstate commerce, and in the District of Columbia and the Territories, that represented more than

TEN MILLIONS OF ADULT PETITIONERS,

besides Cardinal Gibbons, whose name certainly weighs much in such matters whatever it counts. This petition is surely a wonder, being the largest ever presented to any government, and the only one in which labor organizations and churches of all creeds have generally united.

Since the 4th of March the army of petitioners has been increasing daily. The most important of the new endorsements are those of three out of the four chief ecclesiastical bodies of the South, namely the Southern Presbyterian and the Cumberland Presbyterian Assemblies and the Southern Baptist Convention, which followed the example of the Northern Presbyterian Assembly and various Methodist Conferences that had taken like action during the previous year. The resolutions of the three Southern bodies this year are as follows:

The Sabbath Observance report adopted by the General Assembly of the Cumberland Presbyterian Church, on May 23d, 1889, contained the following: "Expressions of sympathy with the petition to Congress for a law against Sabbath work, so far as the jurisdiction of the general government extends."

The Southern Presbyterian Assembly, on May 25th, "Resolved, That we favor the signing by our people the petitions to Congress for a law against Sunday work, except works of necessity and mercy, so far as the jurisdiction of the general government extends, with the usual exceptions in favor of those who observe another day of the week as Sabbath."

The Southern Baptist Convention,

representing a round million of members, on May 14th took this action: "Whereas, the American Sabbath Union is laboring to secure such National legislation as will allow to all employees of the National Government one day in seven as a day of rest: therefore Resolved, That we fully sympathize with this important object of the American Sabbath Union, and request our brethren to promote its work, so far as may be practicable."

The Southern Methodists have given abundant evidence, in the co-operation of their bishops and pastors and churches in this movement, that when their General Conference meets next May it will add to the endorsements of the other Southern denominations its grand Amen.

Another wonder, closely allied to this, is the fact that the last Congress published a larger number of the hearings on the Sunday Rest Bill (42,000) than it published of any other public document, except the Agricultural Reports. That the six-day laws, the Sabbath laws, are the most important part of labor reform in the estimation of the people is shown by the fact that their multitudinous letters to Senators and Representatives brought them twelve thousand more copies than had been issued at public expense of the most popular of preceding labor documents.

It is said in excuse for Sunday trains that the people "demand them." Why do not some of these apologists discover this marvelous demand for their discontinuance?

Another conspicuous wonder of this year is the American Sabbath Union, which was launched at Washington a year ago. It originated in a petition to the Methodist General Conference, which met in the previous May, asking it to take the initiative in forming a National society for the defense of the Sabbath, to be constituted by official representatives of the Evangelical churches, whose "Union" in this matter should offset the "League" that had just been organized by the foes of the Sabbath under the banner of "Personal Lib-

erty." The Methodists acted accordingly, followed by the Baptist Convention, five Presbyterian Assemblies, the Reformed (Dutch) Synod, and the Lutheran General Synod. The other Evangelical churches are expected to do likewise when their supreme councils meet, but they are all unofficially represented already in the membership. This "organic union," for work partly legislative, of Presbyterians, North and South; this "Pan-Presbyterian Council" which does not promise not to vote as well as talk; this organic union of Methodists, North and South, white and black; this successful union, to prevent the heathenizing of America, of those churches that have not yet succeeded in uniting to Christianize Japan; this co-partnership of intense Republicans with Southern leaders; and the co-operation this union has established, outside of its membership, on the basis of a broad humanity with the leading labor organizations and the Catholic Church—this is surely as wonderful a "union" as the centuries can show.

The back-handed compliment, often bestowed upon reformers, of having zeal but not discretion, cannot fairly be given to the present leaders of what is called "The Sunday Rest Movement" in view of the wonderful union they have secured between labor organizations and churches of all creeds on a subject about which there have been earnest controversies even among evangelical Christians.

There is vast encouragement for the friends of the Sabbath in such an unprecedented union for its defense. In New Orleans, on Thanksgiving Day, at the State Sabbath Convention, managed by the editor of the *Southwestern Presbyterian*, there sat together, as equal delegates, sharing in voting and speaking and in the offices, whites and blacks, Protestants and Roman Catholics, capitalists and representatives of labor organizations. Together they formed the Louisiana Sunday Rest League. A still more satisfactory convention was that of the Ohio Sabbath Association, at Cleveland, in which one

afternoon was filled with the following significant list of topics and speakers :

"Christian Leadership in Sabbath Keeping," Prof. W. G. Ballantine, of Oberlin.

"What Railroads are Doing and Ought to do for Sunday Rest," P. M. Arthur, Chief of the Brotherhood of Locomotive Engineers. (Mr. Arthur was detained, but Mr. Everett, next in rank, took his place.)

"The Pennsylvania Company's Policy with Reference to Sunday Excursions and Sunday Rest," John Thomas, Gen'l Agt. Penn. Co.

"Roman Catholic Coöperation in the Sunday Rest Movement," Manly Tello, Editor of the *Catholic Universe*.

"The Barber's Emancipation from Sunday Work by Last Night's Action of City Council"—addresses by two barbers, one white, one black, and their attorney.

No other moral reform has ever brought these elements of our population into such coöperation. Surely Congress ought not to reject a petition representing such a union of good citizens for the defense of a National institution. Our petition asks Congress, for one thing, to enact

#### A SABBATH LAW FOR THE DISTRICT OF COLUMBIA.

The other day, in the streets of Washington, a squad of laborers were required to do Sunday work on a street railway. Noble men and women made their humane protest to the Commissioners of the District, who, on examination, found that the District of Columbia has no Sabbath law, not even enough to stop servile toil on the God-given Rest Day.

This puts the Capital, with France and California, outside the pale of Christian civilization, which everywhere, save in the three places named, and in Alaska, Idaho and Arizona, has Sabbath laws. The Commissioners desire Congress to enact a Sabbath law for the Capital. To me they expressed the appropriate desire that it might be either the best Sabbath law to be found in the statutes of any

State, or else a better one than any of them made by combining the best elements of several codes. The Congress that rules the Capital is made up of the picked legislators from all the State legislatures. It is fitting, therefore, that the laws of the Capital should be a mosaic made up of the choicest paragraphs from the statutes of the States. Alas, the two hundred thousand people who have no law makers save Congress have to complain that they are the worst governed people in the land. The Capitol, spelled with an o, has turned its back, in more than an architectural sense, on the Capital, spelled with an a.

The President promises to do what he can to secure from Congress the desired law. The most eloquent of Congressmen consents to prepare, introduce and defend it, and let all the people say Amen.

The Southwest is more Western than Southern in its Sabbaths. The French Catholic planters of Louisiana, finding that Sunday saloons kept their employees from work, not only through the sulphureously "blue Monday," but at length through a pale blue Tuesday also—two whole days being required to bring them back from their Sunday "recreation," so leaving but four days a week for work—enacted a Sabbath law in 1886, from purely commercial motives. Thus Louisiana refuted, without religious argument, the fallacy of the Seventh-day Adventists, who would have the weekly rest to be arranged by voluntary agreement between dealers and customers, between employers and employees. This plan Louisiana weighed and found wanting. The new law, however, is very defective in permitting most of those who have useless or harmful things to sell to have a whole day's start in the race for the Saturday night wages over those who give "money's worth" for what they receive. The law needs amendment, but probably will have to fight even for life. I do not anticipate it will be killed. Riding southward from the Baltimore Lay Congress, a Louisiana delegate said to me, speaking of the Sunday saloon resolution, "That will



prevent the repeal of the Louisiana Sunday laws."

Texas needs a new Sabbath law to change the so-called "State" from a "town-heap" into a real State, with State sovereignty, not town sovereignty or saloon sovereignty, over trade and toil and turmoil. Dallas, for instance, is given by the State the power to close or open saloons and other places of labor and business on Sunday by city ordinance, and so the city Solons have decided that a sacred seven hours is long enough for the Sabbath, and close saloons only from nine to four o'clock. Even during those seven hours I counted twenty-nine kinds of business (not twenty-nine places) in operation. Organizations have been formed in Dallas, Fort Worth and Gainesville (and one or two State Sabbath Associations are talked of) to lift the Sundays of Texas out of "Botany Bay," from which the rest of the week in Texas has been lifted by the better grade of settlers who have thronged into it in recent years.

The Rocky Mountain States and Territories are more generally organized than almost any other group. Three years ago but two States were organized, namely, Maryland and New Jersey. (There were also city organizations in Philadelphia, New York and Chicago.) When the American Sabbath Union began its work at the opening of this year there had been added to the list of organized States, Illinois, Iowa, Dakota and Kentucky. The American Sabbath Union has since assisted in organizing Ohio, Virginia, Missouri, Minnesota, Colorado, Wyoming, Montana, Washington, California, New Mexico, Kansas, Louisiana, Pennsylvania (Western), and Wisconsin, besides county and city associations.

New Hampshire, Arkansas and Oregon have taken the preliminary steps.

Montana will greatly need her association. It is one of the four States where Sunday saloons are not forbidden; nor is common labor. Now that the Territory has become a State, the country will expect it to put away its

wild oats and "Wild West" and "settle down" to civilized ways—otherwise the best people will not settle in it.

Beautiful Denver has this year made a noble fight against the saloons, with at least partial success, led on by the *Daily News*, which has distinguished itself, like the *Daily News* of Chicago, and the *Times-Star* of Cincinnati, as one of the few newspapers that has dared to be a leader in Sabbath reform.

As to the Pacific States, in Portland, Oregon, the "heathen Chinese" sell all kinds of provisions on the Rest Day, but the parallel American street is more heathen still in opening all its saloons. In Sacramento five-sixths of the shopkeepers on the principal street do seven days' work for six days' profits. San Francisco (in this respect like New York) allows even its ten-cent shows to corrupt the youth on Sunday. California has also been the headquarters of the attack upon the Sabbath—the Seventh Day Adventists' chief publishing house being located there. It is certainly a wonder both to angels and to men, that in the assault upon the Sabbath of rest during this year, while saloonists and infidels and Sunday papers and Jews have formed the second rank, the front rank has been occupied by two professedly Christian sects, the Seventh day Adventists and the Seventh day Baptists. The stenographic reports of the speeches of their champions at the hearing on the Sunday Rest Bill, show that "they fight as one that beateth the air," against "a union of church and State." It is certainly a wonder to see intelligent men, in this century, fighting so excitedly against mediæval castles in the air; to hear Christian men argue for the general adoption of "the no law plan," that has wrought such horrors of Sunday dissipation and Sunday toil in Louisiana, California and Continental Europe. Not only Sunday work and dissipation, but fidelity in fighting them also, is greater in the West than in the East. California has the dishonor of being at the foot of the list of States, indeed out of the list, in having no Sabbath law, but it is at the head of

the list in contributions for Sabbath reform, if one individual gift be left out of account.

But the grandest fighting of the year has been at Cincinnati. About a year ago its Evangelical Alliance appointed a committee of ten ministers to see what could be done about the Sunday saloons. They took to themselves ten laymen. Subsequently two more persons were added and an executive committee of twenty-two was formed to execute the Sunday saloon. They drew up the following agreement for signatures of a larger honorary "Committee of 500" to back them:

"We, the undersigned, being convinced that it is essential to the material and moral prosperity of the people of our city that our civil laws respecting the first day of the week, commonly called Sunday, be faithfully enforced, agree to become members of a committee of Five Hundred, who shall co-operate to secure the nomination and election of such municipal officers as shall pledge themselves to the faithful enforcement of these laws."

Each of the twenty-two carried a little blank book containing this agreement, and gathered endorsers until the so-called "Committee of 500" was really a committee of 2,500. Public meetings were held, in which the American Sabbath Union had a part. When party caucuses occurred the Committee got as many of its members as possible sent as delegates to party conventions. Unable to get either party to put up a full list of worthy candidates, the Committee selected the best out of both, two good judges and a prosecutor, and as the Committee held the balance of power, it elected all three. Neither candidate for mayor was worthy and they voted for an independent candidate who was not elected. The sequel has shown that the City Court is more important than the mayoralty. The Committee sent out its brave agent to collect evidence. No one calls such a man a "spotter" except one whose own character is spotted. When it was found that even rich liquor dealers would be taken to the

lock-up if found violating the laws, there arose a saloon rebellion, by deliberate vote of a whole brigade of saloonists, which hastened instead of delaying the end. At the end of July the two thousand liquor dealers of Cincinnati, in the person of their attorney, fell on their knees and begged pardon and promised to be good.

The peace that Cincinnati enjoyed for several Sabbaths was unprecedented. The average Sunday arrests fell from 100 to 6. Defects in the jury law prevent the victory from remaining as complete as at first, but when a new legislature has made a new jury law in the interest of justice the plucky Committee of Five Hundred will make their final victorious charge. Then this noble five hundred will need a Tennyson to tell the whole story of the bravest fight made in recent years in a bad, big city against the Sunday saloons. Even the imperfect victory has been a rallying cry in all the great cities of our land.

It is worthy of note, in view of the carelessness of many in speaking of Germans and Lutherans as if they were all saloonists and Socialists and opposers of the Sabbath, that the banner church in the Cincinnati fight against the saloons was the Lutheran Church of which Rev. E. K. Bell is pastor, whose every male member, of age, was down in black and white in the roll of the "Committee of 500." In this connection it is appropriate to note the following resolution, passed by the General Synod of the Evangelical Lutheran Church on June 21st, 1889: "Resolved, That we hereby indorse the petitions to the two houses of Congress asking for a law against needless Sunday work in the Government's mail and military service, and in interstate commerce, and in the District of Columbia, and the Territories, and we authorize the presiding officers to sign the two petitions in our behalf."

I hardly need to say that in all the battles for the Sabbath our white plume of Navarre is the white ribbon of the Woman's Christian Temperance Union, whose Sabbath observance department, in charge of Mrs. J. C. Bateham, was

the first brigade to enlist in this new crusade for the Sabbath and is still the best.

It is hardly a good omen of the speedy coming of Bellamy's ideal republic of unselfishness, that while the transcontinental trip has been cut down, in recent years, from seven days to six, and this year from six to five, the thought has not entered the brains or hearts of either railroad manager or travelers, that this gained day should be given to railroad employees for their Sabbath rest. All gains must go to selfishness, none to humanity.

None need the Rest Day more than those on long journeys, and therefore many people, if not most, would prefer a train that stopped for the Sabbath at Cincinnati or Chicago or St. Louis or Omaha or Denver—those who wished remaining in the Pullman, with no change of baggage—immigrants staying in their cars with no cost except a trifle extra for their lunch basket—each finding rest either in churches or elsewhere, and so reaching San Francisco in good condition, saving a doctor's bill or three days of good-for-nothingness at the end of the journey by resting one day in the middle.

Who are the passengers on our trains? Mostly "runners." The name is very appropriate. Even their meals have to be "run" into their stomachs by express. Gladstone's advice to chew each mouthful of food thirty-two times, they must eschew. Having been myself a "runner" for Sabbath reform for many months, I know by observation and experience that it is very unhealthy. Not only food but sleep must be "at all hours." Every runner's grip carries an apothecary shop. Commercial travelers have a better reputation than they formerly had, but they are not yet canonized. Morally as well as physically they need one day when they can neither trade nor travel.

With all that is hopeful, there is much to alarm us. Every friend of the Sabbath should become its sentinel and go about its walls to find where they are

being undermined, and how they can be best defended. I seldom find even a ministerial watchman who is not surprised when I report the result of my Sunday morning reconnaissance of the city in which he has lived for years. You have perhaps heard the story of how Macready, the actor, used to struggle with a ladder before going on the stage on some occasions, and of how he once nearly shook the life out of a scene-shifter's son who was delightfully surveying the performance from the wings. In "Fifty Years of Artistic Life," the writer adds something more to our knowledge of Macready's expedients for exciting himself to the requisite pitch. He declares that the great actor employed two unfortunate supers, whose business it was to make faces at him, tread on his toes, kick him, and otherwise provoke him until he was in a state of exasperation bordering on the demoniac. "More," he would growl, as he stood at the wing, preparing to make a terrific entry; "more, you beasts!" until an exceptionally severe kick happening to coincide with the moment for his sudden appearance, he would knock down each of his hired tormentors, and rush upon the stage like a maniac.

If a minister wishes to be aroused to preach with due earnestness against Sunday work, let him take an hour's walk before church through the business part of his city and note how many young men and boys are kept from Sabbath rest by shiftless buyers and greedy employers.

"How much do you weigh?" said a passerby to a boy. "Generally eighty pounds, but when I'm mad I weigh a ton." The easy indifference of many editors and preachers to the growing curse of Sunday toil and traffic and turmoil would give place to wholesome earnestness if they would but consider the jaded bodies, the saddened homes, the ruined souls of the two millions of Sunday slaves in our land who wait for deliverance.

*For Congressman ..... of ....., Washington, D. C.*

**A PETITION TO CONGRESS FOR A LAW AGAINST UNNECESSARY SUNDAY WORK IN THE CAPITAL OF OUR COUNTRY.**

The Commissioners of the District of Columbia having found no law in the District by which even servile Sunday labor could be stopped, requested Congress to provide such a law, and the President approved their request. The American Sabbath Union and the Commissioners joined in a request to Col. W. C. P. Breckinridge, of Kentucky, that he would prepare and introduce the bill, which is as follows : "51st Congress, 1st Session, H. R. 3854. In the House of Representatives, January 6, 1890. Read twice, referred to the Committee on the District of Columbia, and ordered to be printed. Mr. BRECKINRIDGE, of Kentucky, introduced the following bill :

**A BILL** to prevent persons from being forced to labor on Sunday. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be unlawful for any person or corporation, or employé of any person or corporation in the District of Columbia, to perform any secular labor or business, or to cause the same to be performed by any person in their employment on Sunday, except works of necessity or mercy ; nor shall it be lawful for any person or corporation to receive pay for labor or services performed or rendered in violation of this act.

Any person or corporation, or employee of any person or corporation in the District of Columbia, who shall violate the provisions of this act, shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars for every such offense : *Provided, however*, That the provisions of this act shall not be construed to apply to any person or persons who conscientiously believe in and observe any other day of the week than Sunday as a day of rest."

**To the United States House of Representatives :** The undersigned adult residents and organizations of the town or city of.....county of ..... State of....., hereby earnestly petition your honorable body for the passage of House Bill 3854, entitled "A bill to prevent persons from being forced to labor on Sunday," and intended to give the same protection against Sunday toil and traffic and turmoil to the residents of the District of Columbia as is enjoyed by the constituents of nearly all the members of Congress through State laws.

[To be endorsed by individual signatures and organizations, in the latter case by vote, in which case the name of the organization and the number of members, and the vote and date should be recorded, with the attesting signature of the presiding officer, or clerk, or both. Add more paper for **SIGNATURES.**]

SABBATH REFORM LIBRARY, Vol. I, No. 3, JAN. 9, 1890.

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EX-JUSTICE STRONG, *U. S. Supreme Court (Letter, Nov. 24, 1888)*: "I feel much interest in maintaining the Sabbath, alike for its religious uses and for its benefits to the community generally. I regard the maintenance of Sunday laws as of extreme importance, essential indeed to true civil liberty."

HON. WM. C. P. BRECKENDRIDGE, M. C., *Address at New York, Jan. 28, 1888*: "The State owes it to itself and to its present citizens, and to the generations that are to come to protect this Day on precisely the same grounds that they protect the marital relations."

"*The Sabbath for Man, Chapter III.*: "Sabbath laws are consistent with liberty in that they are laws for the prevention of cruelty to animals, in that they are laws of health, in that they are laws for increasing the National wealth, in that they are laws for harmonizing the relations of capital and labor, in that they are laws for the protection of the home, in that they are laws for the prevention of crime, in that they are laws for the protection of one of the chief historic institutions of the Nation, in that they are, in short, laws of National self-preservation."

*Christian Statesman, Philadelphia*: "No presecution has resulted from the Sabbath laws on the statute-books of the American people for the last two hundred years. On the other hand, the secular theories of government which these Advertists have so mistakenly espoused, have never given liberty to a single square foot of the earth's surface."

REV. W. W. ATTERBURY, D. D., *Sec. N. Y. Sabbath Committee*: "Marriage was formerly recognized by law as a religious institution. It is now protected by law, just like our weekly rest-day, as a natural right. The basis of our Sunday laws is thus stated by the Court of Appeals of New York: The founders of our Government prohibited a Church

establishment, and left every man free to worship God according to the dictates of his own conscience or not to worship, as he pleases. But they do not suppose they have abolished the Sabbath as a day of rest for all, and for Christian worship for those who were disposed to engage in it, or deprive themselves of the power to protect religious worshippers from unseemly interruptions. It is a law of our nature that one day in seven must be observed as a time of relaxation; and experience proves a day of weekly rest to be of admirable service to a State, considered merely as a civil institution. The stability of government, the welfare of the subject, and the interest of society have made it necessary that the day of rest observed by the people of a nation should be uniform, and that its observance should be to some extent compulsory, not by way of enforcing the conscience of those upon whom the law operates, but by way of protection to those who desire and are entitled to the day. 33 Barbour, 549:69, New York, 557."

*Christian at Work, New York, Jan. 31, 1889*: "We believe the feeling for conserving, for protecting an American Sunday is the strongly dominant feeling throughout the country. So soon as the issue is joined, and the attempt is made to disestablish our one Rest Day, so soon will our American spirit manifest itself to guard what is one of the cornerstones of our national fabric. The American Sunday is here, it has been here over two centuries, and it is here to stay."

GOV. JAMES A. BEAVER, *in Address to Y. M. C. A. Convention, Philadelphia*: "It lies largely with the Christian young men of the United States to Americanize the vast multitudes of foreign young men constantly coming to our shores. Bring them first to observe the Sabbath. These young men often have crude ideas as to liberty. Run up the Stars and Stripes in place of the red flag."

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**THE CIVIL SABBATH THE FRIEND, NOT THE FOE, OF LIBERTY.**

AN ADDRESS AT LOS ANGELES, CAL., IN  
HAZARD'S PAVILION, BY REV. WILBUR  
F. CRAFTS, SEPT. 1, 1889.

*Fellow-workers with the Truth, Fellow-  
seekers for the Truth :*

Coming westward, I instructed myself as to the comparative size of Eastern and Western States by cutting up a railroad map. I found that to cover California required ten Atlantic States—all of New England, New Jersey, Pennsylvania, Delaware and Maryland. As the people of California, like other Western people, are so manifestly lacking in local pride, I suggest that this deficiency be corrected in the next generation by setting the children at this map exercise, feeding the little States of the Atlantic shore to this sea monster of the Pacific.

California, no doubt, will some day equal those ten Eastern States in population and wealth, as well as in territory. Your marvelous climate alone would bring the population. On one of the recent August days, a lady in Oakland said to me that she had just made a trip to *San Rafael to get warm*. You can quickly find refuge from occasional heat at the seaside, or, by waiting a few hours, receive the cool sea air at eventide wherever you are in the State. You need, even in August and in your warmest valleys, an invention with clock attachment to lay an extra blanket on each sleeper at every stroke of the hour from bedtime till midnight.

People of California, I greet you as citizens of one of the three mighties, in extent of territory, of the United States—which three mighties are Texas, California and Montana. We used to sing, "Uncle Sam is rich enough to give us all a farm." California alone is rich enough to give a farm of twelve acres to every family of five in the land. If each man, woman and child was set in the middle of his or her two acres and the signal was given to sink down into the grass or brush, our whole population would suddenly disappear.

Surely this State will have no lack of wealth. But it will not rise by booms. It is about as safe to rise by bombs. It is dangerous to have either of these in your hands when they "go off." Raising corner lots is not your best crop. Your soil is rich, not only in precious metals, but in the gold of your peaches, your oranges, your wheat; in the silver of your buckwheat and your olive trees; in the greenbacks of your corn and vines. An Easterner is in danger of mistaking your strawberries for red apples, your peaches for cantaloupes, and your fields of pumpkins for a meteoric shower of fallen planets. (Laughter and applause.)

In the Metropolitan Museum at New York, California is symbolized by a bare and lonely maiden. If I were a sculptor I would represent her more suitably in variegated marble—in a fountain group, to picture your miracles of irrigation—as a majestic mother, of heroic figure, richly clothed, a diadem of your native gold upon her head, her robe of the royal purple of your grapes; surrounded by a great household of sons and daughters.

But extensive territory, numerous population, and immense wealth do not make a State great, only *big*, like Russia. Character is essential to greatness in States as well as individuals. California will never be one of the three *greatest* States, in the true sense of the word, until she is one of the three *best*. (Applause.) She must learn to yield not only gold, and grapes, and grain, but also, with equal abundance, honesty, morality, and charity; and these can no more be produced without the Sabbath than your fruits without water.

California is the only one of our States without a civil Sabbath. Not New Jersey, but California is the "foreign land." The only other spot in the civilized world without a Sunday law, save D. C. and three Territories, is France. If you would not be a "Frenchy" but an American commonwealth, and would draw for permanent residents the best

American families, you must cast out the French Sunday and foster

#### THE AMERICAN SABBATH.

The golden mien between despotism and anarchy is liberty. The mightiest foe of these extremes, the best friend of this golden mien, is the British-American Sabbath, itself a golden mien between the Puritan Sabbath and the Continental Sunday. Such a Sabbath is not merely consistent with liberty but essential to it. *True* Americans of all sections should sentinel this American Sabbath. By "true Americans" I mean what Dr. Josiah Strong calls "*Americans in spirit.*" There are *real* German-American, *real* Irish-Americans. In this sense the Irish immigrant, who said he had concluded to take America for his native land, could have done so. On the other hand, some who were born Americans have apostatized by adopting the foreign saloon and its Siamese twin, the foreign holiday Sunday. Apart from all religious considerations, the true patriot should reject the Continental Sunday as the "holiday of despotism." So Hallam, the great philosopher of history, calls it, bidding us note that the despots of Europe have studiously cultivated a love of Sunday pastimes to keep the people quiet under political distresses; that is, the holiday Sunday, which is offered to us by Continentals as the very insignia of "personal liberty," is rather its substitute, the tinsel bauble which shrewd monarchs have given to the adult infants of the Continent in place of the ballot of freemen. There is no "Fountain of Youth," but the Continental Sunday is a fountain of perpetual babyhood. There is no instance of a stable, long continued popular government where the people have kept themselves in infancy by devoting their God-given Rest Day to Sunday dissipation and its twin, Sunday toil. Who would be surprised to hear to-morrow that France, of the holiday Sunday, had thrown away her republicanism, as a spoiled child throws away a toy? The revived American spirit should refuse, as the worst of immigrants, the Continental Sunday, and

hold to the American Sabbath as the very heart of Americanism. The only ism a man needs to make him defend the American Sabbath is patriotism. Some of those who make the most frantic protest against any change in the American Constitution are foremost in efforts to overthrow this chief American institution. American institutions are the roots of the American Constitution, and the American Sabbath is the very taproot of them all, supplying the people with the physical, mental and moral vitality necessary to self-government. Applause.)

No paper that seeks to uproot this *American* Sabbath has a right to put the word "American" in its name.

A few days ago there appeared in your streets this notice: "Mass Meeting at Hazard's Pavilion, Tuesday Evening, August 27. 'The principles of a Sunday Rest Law' will be discussed at eight o'clock. Everybody whether now opposed or in favor of such a law, should be there." Many of you, who have heard all you care to hear from Seventh-day Adventists, were deceived into attending that meeting, supposing it was our long expected meeting in behalf of such a law. Those who come to a properly announced lecture of an opponent should hear him through, but many of you made a suitable protest against being tricked, by going out as soon as you discovered that your attendance had been obtained under false pretenses. That trick is a fair sample of

#### THE SEVENTH-DAY ADVENTIST PLAN OF CAMPAIGN.

They beguile people to attend a series of "Bible readings," and only gradually reveal their purpose, which is not so much the conversion of sinners as the perversion of saints. They go from door to door offering for sale "a book on the Sabbath" or on history, giving no clew that in both cases it is in defense of the Saturday Sabbath. They circulate a petition which gives no hint that it is in the interest of the Saturday Sabbath but is urged as a preventive of a union of church and State and other re-

ligious legislation, and so secures the signatures even of Methodists and Presbyterians, but is presented at Washington as chiefly against the civil Sabbath to which many of its signers are earnestly devoted. While other denominations call their publishing houses by such names as "Methodist Book Concern," "Presbyterian Board of Publication," the Seventh-day Adventist conceal their flag under two aliases, namely, "Pacific Press Publication Company" and "International Tract Society." Instead of giving their chief paper its real name and banner, namely *The Advent Sentinel* for the defense of Adventism and the Saturday Sabbath, they disguise it under the name of "*The American Sentinel*, devoted to the defense of American institutions." You will not be surprised to know that this paper, which starts out with a false flag in its very name, judged by an issue taken at random, averages *seven mistakes per foot square*. (Applause.)

The so-called *American Sentinel* is as surely un-American as the German *Sentinel* of the liquor traffic, with which it stood in opposition to our American Civil Sabbath at the Senate Committee's hearing in Washington, and with which it opposes even Sunday closing of saloons, except in prohibition towns that close on all days. In the name of a Christian church, this *Sentinel* of the Saturday Sabbath echoes the very arguments of Ingersoll's "Secular Union," whose representative fought on the same side at that same hearing.

#### SABBATH LAWS ARE NOT RELIGIOUS LEGISLATION.

The right arm, the most important part, of the Sabbath Reform is the promotion of the religious Sabbath; its left arm, the preservation of the civil Sabbath. These two things—the Christian Sabbath on the one hand, and the American Sabbath on the other—are as distinct as my two arms, that resemble and coöperate, and yet are by no means the same. This distinction is itself an answer to most of the objections to Sabbath laws, which rest chiefly on the false as-

sumption that they are enforcements of a duty to God, punishments of a sin against God. We make no dissent from the inference that Christ's words, "Render to Cæsar the things that are Cæsar's, and to God the things that are God's," forbid Christians to enforce by civil law anything that is only a duty to God, or to punish by civil law anything that is only a sin against God. It is admitted, however, by our opponents that it is the province of civil law to enforce man's duties to man, and especially to punish crimes against man. It is exactly on this ground that Sabbath laws forbid Sunday work and Sunday dissipation, namely, as *crimes against man*. A notorious outlaw made the pious statement, "I never rob a poor man." Probably he does not kill a dead man. To rob a poor man of his purse or coat is only petty larceny. But it is grand larceny to steal the poor man's weekly Rest day, his "Home day," his Independence day. Ceaseless toil is slow murder.

Sunday laws are not "religious legislation" because they come from the Bible any more than the laws against adultery, which are as distinctly a part of Biblical morality, in distinction from heathen morality, as Sabbath laws. Both the Bible and the codes of the most advanced governments forbid murder, theft, adultery, false witness, and work on the Sabbath. Religion renders to God the things that are God's by forbidding these things chiefly as sins against God. Government renders to Cæsar the things that are Cæsar's by forbidding them as crimes against man. As a Seventh-day Adventist "Sentinel tract" against "Religious Legislation," says: "Legislation against crime is not religious legislation. It is legislation on morality *purely on a civil basis*."

Put, then, into the religious Sabbath as its water-mark the word "sin," relating to wrongs done to God, and into the civil Sabbath as its water-mark the word "crime," referring to wrongs done to man.

There are many who hold the theory—which I neither affirm here nor deny—that the State is accountable to God, as



well as the individual and the church, and should forbid itself to sin, and may therefore forbid Sabbath-breaking on higher grounds than the wrong it brings to man, but I wish to show that there are grounds enough that are purely human and humane to justify him who holds the most secular theory of government in defending the civil Sabbath. Even on the Let-alone view of government as only a police force to protect men against infringements on their rights, the civil Sabbath can be amply vindicated.

In other countries, where church and state are mixed, and in our own country in other days, the limitations of Sabbath laws have not always been clearly perceived. The noble Puritans were not able to see the error of compulsory church going, which they did not originate, but copied from their age. Even the fourth commandment does not enforce that, and the Jews, who punished working on the Sabbath so severely, never punished anybody for not worshipping. As well suppose the telephone wires can be changed back to ore as to suppose that error of the otherwise admirable Sabbath of our fathers can return. Recent Sabbath legislation has aimed only to make a *dies non*, a no day, not a holy day, an empty day, *opportunity* for worship for him who wishes to worship, for rest in other ways to others. Privilege is the very definition of the civil Sabbath. "The Sabbath was made for man," said Christ. They echo this saying who defend the Sabbath, not by appealing only or chiefly to God's will, but—to use a constitutional term—to "the general welfare." "Whose is the image and superscription?" cry the opponents of Sabbath laws; and they answer, "The Lord's," for it is called "The Lord's Day." But the Lord of the Sabbath says it was "made for man," and so stamps it "Man's Day" also. It is only man's part in the Day that American Sabbath laws defend.

A homely illustration or two will make this point clear. A shrewd Iowa farmer put up in his melon patch this sign: "Boys, do not touch these mel-

ons, for they are green and God sees you." The church exhorts men against Sunday work and Sunday dissipation because God sees and will punish; but the State forbids these things because they are unhealthy to the body politic physically, mentally, morally and politically. A college president, having discovered two sophomores hazing, called them into his presence while his wrath was warm and said: "Gentlemen, such conduct is displeasing to God, and *what's more, I won't stand it.*" The church says of Sabbath desecration: Such conduct is displeasing to God; but the State says of Sunday work: What is more to us, charged to protect not divine but human rights, we won't stand it—the perpetual treadmill of toil, labor without leisure. (Applause.) The only clause of mine that even the masters of sophistry can pervert into a seeming support of the idea that Sunday laws are "religious legislation" is the following: "A weekly day of rest has never been permanently secured in any land except on the basis of religious obligation." That means that back of the law there must be an approval of it in the public conscience, as back of marriage laws, but the Sabbath laws, like the marriage laws, can be justified on hygienic, social and moral grounds to those who reject the religious ones.

The most active opponent of Sabbath laws says incessantly, as if it were a self-evident and incontrovertible axiom: "The State can never properly legislate in relation to anything in the first four commandments of the Decalogue." I do not raise here any question as to the authority of the fourth commandment, but only meet this opponent for a moment on his own ground. The chief plank in the Seventh Day Adventist platform rests on the assumption that the first of the two Stone Tables given by God to Moses included the first four commandments. This foundation is a sand heap. No one knows where the first table ends, but the full pause nearest to the middle of the commandments is after the words, "Remember the Sabbath day to keep it holy." This is

also the natural point of division on the basis of the structure of thought. If the plan of God, as is natural to suppose, was to put the commands that relate chiefly to man's duties to God on the first table, the point where it must have ended is with that sentence about keeping holy the religious Sabbath. The remainder of the Fourth Commandment was given, as Moses says to each employer, "That thy man-servant and thy maid-servant may rest as well as thou." That part of the fourth commandment is as much a civil affair as the succeeding laws about home, and property, and life, and purity, and reputation, and so belongs among the commandments that relate to man's duties to man. The fourth commandment is the transition commandment that connects what are chiefly duties to God with what are chiefly duties to man.

WHAT FRIENDS OF THE CIVIL SABBATH CLAIM, ITS FOES ADMIT.

Professor A. T. Jones, the leader of the Seventh Day Adventists, whose main argument I have been considering, in his address at the Sunday Rest Hearing in Washington, after denying the right of government to legislate about anything in the first four commandments, admitted enough, in response to a question about Mormons, to justify the civil Sabbath. He said (*italics ours*): "If in the exercise of his religious convictions, under the first four commandments, *he invades the rights of his neighbor*, then the civil government says that is unlawful. Why? Because it is irreligious, or because it is immoral? Not at all; but because it is uncivil, and for that reason only."

It is because men are so "uncivil," so unneighborly, that they "invade the rights" of their employees and their competitors to a weekly Rest day, and their rights of conscience, that the civil government says, "That is unlawful."

In that same hearing, another Seventh-day Adventist leader, Stephen M. Haskell, made the following admission:

"We do not say that the United States Government has no right to legis-

late in reference to certain days on which men may work, but we say it has no right to legislate with a view to enforcing as a religious ordinance or religious observance certain days. There are certain days, as fast days and thanksgiving days, in regard to the observance of which we make no question; but enforcing a religious observance on individuals is the point to which we object."

So do we all.

The leader of the Seventh-day Baptists, Rev. A. H. Lewis, D. D., also "gave his case away" by the following admission:

"Mr. Chairman, I rise for a word of personal explanation in regard to the 'giving away' which my friend Dr. Johnson seemed to discover. The committee will remember that I distinctly said that if the running of a railroad train on Sunday were determined or shown to be detrimental to the interests of the Commonwealth I would not ask for that privilege. I did not agree that the running of a railroad train should be determined to be detrimental to the Commonwealth upon the ground that Sunday is a sacred day, for I do not believe that; but for me to ask the privilege of doing any business that was proven upon scientific grounds and grounds well understood to be detrimental to the general interest of the Commonwealth would be a sign of bigotry rather than of intelligence. I therefore do not say I would consent to this prohibition upon the ground that Sunday is a sacred day, but on the ground that it would be inimical to the best interests of the Commonwealth."

That is precisely the ground on which Sunday trains are generally opposed and forbidden.

The infidel Wolff, who represented Ingersoll's "Secular Union" at that hearing, said: "It would be legitimate for you to set apart a day of rest; you do set apart holidays where the people take recreation, are exempted from work and the performance of public duties, and that is just about as far as you have any right to go."

But that is going far enough to justify a civil Sabbath.

The attorney of the liquor dealers, who was present at the hearing, expressed approval of the speeches from which I have quoted, and made no dissent from these admissions.

The only other element of organized opposition to Sunday laws—one far less violent than any of those previously mentioned—the Jews—was not represented at the hearing, but had its say during that same week, in that same city, in an address against “the Puritanic Sabbath,” by Rabbi Joseph Krauskopf, D. D., who made an admission as like the others as the peas in a pod, in the following paragraph:

“Beyond the recognition, on hygienic grounds, that the human body needs one day out of every seven for rest and recreation, and beyond legalizing that day as Sabbath which is preferred by the greatest numbers of the people, and beyond protecting that day as much as is consistent with its authority, the State has no other duties in connection with the Sabbath.”

That is pedestal enough to hold any Sabbath law in the United States.

These six admissions show clearly that the opponents of the Sabbath are butting at their own shadows, fighting as one that beateth the air against the enforcement of a religious observance of the Sabbath, which is nowhere attempted.

To a pastor, calling on a family of his parish, the father said: “I don’t see why my boys ain’t better boys. I make ’em get down and pray every night, and if they won’t get down I knock ’em down; and yet they ain’t good.” It is seriously argued by our opponents that we propose a similar way of making them and others “good” by compulsory church-going. This will surely take the prize as the biggest of all bugbears.

Only slightly smaller is another of the same parentage—the alarm about Sabbath laws colliding with the Constitution.

#### SABBATH LAWS ARE CONSTITUTIONAL.

The Supreme Courts of the twenty-five States in which the matter has been tested have so declared. This is one of the rare instances in which the final decisions in all the highest courts are all on one side. The lawyer’s chief labor, in most cases, is to prove that the ten decisions on his client’s side weigh more than the dozen decisions on the other side. When twenty-five Supreme Courts are on one side, on a purely legal matter, namely, the harmony of one legal document, called a Sabbath Law, with another, called the Constitution, he who has only his own unexpert opinion on the other side certainly has a very weak case.

It is well to recall the grounds upon which these decisions have been based. The objectors always quote the first amendment of the United States Constitution, that prohibits Congress to set up “an establishment of religion.” The word “establishment” is a historic word, of no doubtful interpretation. When it was written into the Constitution, there was in the Old World, as there is to-day, the custom of selecting a single religion or a single sect and supporting it by the State, which also appoints its officers. A Sabbath law, in order to come under this prohibition, would need to require the building of churches by taxation, the State support of ministers of religion, and their political appointment, which no advocate of Sabbath legislation proposes or desires.

I have shown that the reference to “an establishment of religion” in the first amendment to the Constitution has no application whatever to the American Sabbath; but the latter part of this amendment, which requires that Congress shall make no laws prohibiting the free exercise of religion, does have a bearing upon the case in hand. When Congress ordered Sunday work in the mail service, it broke this Constitutional provision, for it made it impossible, by this *irreligious* test, for millions devoted

to the Church, and unwilling to give up its services, and conscientious about doing needless Sunday work, to hold positions in this largest department of public service. That Act of Congress was not a law but a crime. The most conscientious men, who are best adapted to handle the wealth of the people in the mail, are thus distinctly excluded from the post-offices of the country—a very serious interference with the “free exercise of religion.” The petition against Sunday mails is, therefore, not a request that Congress will do something *for* religion, but that it will cease to do something *against* religion. The present status is not neutrality, but hostility. We do not believe in state *and* church, but neither do we believe in state *against* church. Our petition asks Congress to desist from breaking the Constitution. (Applause.)

A Boston paper printed the statement, “Governor Long is *not* in favor of the prohibitory amendment.” An errata next day said, “For ‘not’ read ‘out.’” The Adventists have made the opposite mistake. “The friends of the Sabbath are *out* for a union of Church and State” should have “not” in place of “out.”

But the best answer to the objection that the American civil Sabbath is unconstitutional, is the United States Constitution itself, which already contains a Sunday law. The only objection to it is, that it is an un-American monopoly, “special legislation” for the benefit of one man. In the first article, seventh section, it is provided that the President shall have ten days (Sunday excepted) in which to consider a bill sent to him by Congress, before it can become a law without his signature. Here is a distinct provision for the protection of the President in his right to the Day of Rest and in his rights of conscience. That parenthesis “(Sunday excepted)” is an acorn which millions of petitioners desire should be allowed to grow into the wide-spreading oak of a Congressional “Sunday rest law,” under whose shadow, with the President, the lowliest servants of the Government in the mail and military service, and all others who

are under the jurisdiction of Congress, may also enjoy the Day of Rest. (Applause.)

The theory that the present “Sunday Rest Movement” is only a scheme to unite church and state encounters the difficulty that the Brotherhood of Locomotive Engineers and the Knights of Labor, in their international conventions of 1888, approved it; but this difficulty is summarily disposed of by our opponents with the hysterical statement that these bodies only endorsed our petition because I “pleaded with them.” The fact is that I began my first address to a labor organization, the Central Labor Union of New York City, by reading the action against Sunday work which the Buffalo Labor Union had taken on its own motion; and so my keynote at the Brotherhood Convention was the bitter cry of four hundred and fifty engineers of the Vanderbilt roads for a Sabbath of rest, written by themselves years before I undertook Sabbath reform; in fact, that flaming appeal was the torch at which I lighted the red lantern I have since been swinging in front of Sunday trains. (Applause.)

#### SABBATH LAWS ARE CONSISTENT WITH LIBERTY.

Foreigners of the baser sort think not. Let us not forget there are also foreigners of the better sort who ought not to be called foreigners at all. Canadians, Quebec French excepted, are the truest Americans—granite blocks of ancestry. When the Pan-Americans were in Boston, their un-American escort, instead of showing them the very best thing our country has to show to those who are under the curse of the Continental Sunday, namely, an American Sabbath, got up a public Sunday dinner, and Boston’s officers dishonored themselves by attending, but a like invitation on the next Sabbath to the Mayor of Toronto, was promptly declined. (Applause.) Other British immigrants generally re-enforce, not weaken, our pristine stock. Hollanders sign our petitions by the thousand, and Scandinavians man our law and order leagues. The General

Synod of Lutherans, journeying on a Saturday night of a recent year by rail, expecting to reach a certain place before midnight to spend the "Lord's Day," on being delayed, required their car to be side-tracked at 12 o'clock in the wilderness rather than wrong God and humanity even by an hour or two of Sunday traveling.

But there is another kind of foreigners.

When Cambyases invaded Egypt, knowing that they worshipped cats, he had each soldier in the front rank of his army take in his left hand, in place of a shield, a sacred cat. The Egyptians dared not strike lest they should kill a god, and so the invaders conquered them without a blow. The first part of that history is repeating itself in our land. (God forbid, patriots forbid, that the last part of it should be repeated.) We are being invaded by an army of Continentals who desire to break down our institutions in the interest of their lusts, and who march in upon us with our sacred word "liberty" as their shield,

"They bawl for freedom in their senseless moods,  
And still revolt when truth would set them free.  
License they mean when they cry liberty."

The *Lutheran Observer* submits to these foreigners of the baser sort the following little dialogue:

"Why did you leave your own country and come to this?

Because this is a better country than your own, and you came here to improve your condition.

Why is this a better country than that from which you came?

Because it has better institutions and laws, and among these the Sunday laws are the most important and valuable because they promote religion and morality, and these promote in the highest degree the welfare, prosperity and happiness of the people."

It is a picture worthy of a comic almanac, these unwashed refugees from despotism, who never saw liberty in their lives, and wouldn't know it if they saw it, offering themselves as teachers of liberty to Americans. As usual, in such cases, we ask these professors of

liberty, "Where did you graduate? Who was your teacher?" They answer, "Bismarck." (Laughter and applause.) Now we understand what they mean by "personal liberty," the liberty of Bismarck, the liberty of that one *person* to do what he likes, regardless of the rights of all below him. The reversed "Bismarcks" who come to this country believe, each of them, in the "personal liberty" of one person to do what he likes, regardless of the rights of all above him. We do not believe in any such "*personal* liberty" but in *popular* liberty, the liberty of the whole people, and the liberty of the person only so far as it is consistent with the liberties of the populace. (Applause.)

As President Knox of the German Presbyterian Seminary has admirably said, "Immigrants of the better sort should be shown that instead of the privileged few that govern on the Continent encroaching on the rights of the many, the privileged many that govern in America may resist the greed and lawlessness of the few."

How is it that we who are "runners," on arriving in a new State, do not go at once to a lawyer's office and read its laws in order to prevent being arrested for breaking them? Equity that made those laws makes us obey them unconsciously. Equity is the centripetal force that keeps each one within his orbit so that he does not crash into the orbits of others. Your neighbor's fence is no restraint upon your liberty if you do not wish to break into his yard. Law is made for the lawless (1 Tim. i., 9). You can do what you please if you please to do what is right.

The circle is a symbol, not of eternity only, but also of "personal liberty." "Personal liberty" is the space within an ample circle, smoothly bounded on all sides by the rights and liberties of others. As Rev. Dr. Oerter, of New York, put it, in a meeting of law-abiding Germans to "uphold the Sunday law," "Personal liberty is the divine right to act without interference within the limits of law."

The principle that underlies all civil

**THIS PLACE  
CLOSES  
ON  
SUNDAY  
OUT OF REGARD FOR  
RIGHTS OF CONSCIENCE  
AND  
LABOR'S RIGHT  
TO THE  
WEEKLY REST.**

[OVER.]

SABBATH REFORM LIBRARY, Vol. I, No. 5, JAN. 16, 1890.  
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[To be hung on the breast of every one who buys  
postage stamps, provisions, cigars, clothing, or what not,  
on the Sabbath.]

"No burden on the Sabbath Day."

**I AM  
BLIND  
Selfish  
Shiftless**  
**REST AND LET REST ON  
THE REST DAY.**

"That thy manservant and thy maidservant may rest, as well as thou."

[OVER.]

laws, the relation of liberty and law, was well expressed in the card which hung on the steps of a certain city hall: "Gentlemen *will not* and others *must not* loaf on these steps." In a republic, law is the proclamation of what gentlemen "will not" and others "must not" do. Sabbath laws proclaim that the humane *will not* and the inhuman *must not* deprive the toilers of their natural right to the weekly Rest Day, either to gratify their greed or lust, or even for amusement.

In many places it has happened that the barbers have circulated among themselves a signed agreement for Sunday closing, knowing that Sunday work, like swearing, is serving Satan without pay; that the same profit is made by the barbers of a town or city when they work six days as when they work seven. One barber refuses to sign, and so all the others think they must keep up their Sunday work, lest some shiftless customer, on a cold or rainy Saturday, may not come to his usual barber, because he knows that another will be open on the morrow. So the liberty of one man or a few becomes the Sunday slavery of a whole trade. In such a case law comes in, and, by "Sunday closing" of all the barber shops, proclaims what all sensible barbers *will do*, and the one foolish barber *must do*, for his own good and the good of others. (Applause.) What is here said of barbers might be said also of bakers, laundresses, grocers,—indeed of nearly all forms of Sunday work for gain. If it is foolish in the seller to spend seven days in making six days' sales, it is shiftless in the buyer to leave his Saturday buying over for the Sabbath, so making himself and others needless work on the Rest Day. Here is a card: (See opposite.)

It is sometimes said by opponents of Sabbath laws that "government has no right to dictate how a man shall spend the day." But at quarantine government proves its right to dictate how a man shall spend a fortnight, when the general good requires it.

These are our answers to the "Personal Liberty Leagues," and to those

who are victims of their sophistries. It is surprising that any one should be deceived by them. An Irishman was walking along the street and came to a building with eight sides. He had never seen one before and regarded it with great curiosity. He stared at it until a man thrust his head out of a window and said: "Pat, what are you staring at? Did you think it was a church?" "'Well, sir,' said Pat, 'I didn't know but it was, until I saw the devil stick his head out of the window.'"

When Anarchists, infidels and liquor dealers show their heads and "hands" in connection with the fight against the civil Sabbath, it is amazing that any one should not see that it is the Devil's, not the Lord's or Liberty's cause, even though a few sincere men who think they are doing God's service, join in the attack.

#### AS TO ADVOCATES OF THE SATURDAY SABBATH,

the apostate Jew, who does not keep that Sabbath, but pleads his neglected religion when arrested for opening his shop on the American Sabbath, should have no consideration from either Gentiles or genuine Jews; but those who regularly and religiously observe the Saturday Sabbath, by abstaining from labor and business, deserve the kindly and generous treatment they have received, with few exceptions, in the laws, and still more in the customs, of the States.

In the State of Arkansas, at one time, the exception in favor of Seventh day people having been taken advantage of by disreputable Jews to open saloons on the Sabbath, the exception was repealed—since restored. The fact that almost all the instances of alleged persecution of Seventh-day people are brought from that one State, and that one period, shows how generously these people have been dealt with in other times and places. They are usually permitted to do any work on the first day of the week, except such as would destroy the general rest. They have not always reciprocated this generosity, but rather in many cases, have adopted the danger



ous anarchistic principle of keeping only the laws that suit them; but this should not abate our effort to make our Sabbath laws as favorable as possible to the minority.

They agree with us that man has a natural right to rest one day in seven. It is only in the exigencies of debate that they argue that a man should work seven days for a week's wages. We go a step farther, and hold that in this age of corporations and of competition, employees cannot be secure in the enjoyment of this natural right to a day of rest unless the State protects it. Louisiana for many years had ever-increasing Sunday dissipation and Sunday toil because there was no Sabbath law, as the Seventh-day people desire should be the case everywhere. In 1886 the people of Louisiana gave up the Seventh-day Adventist plan of the lawless Sunday, which had been weighed and found wanting. Let California do likewise. (Applause.)

The Sabbatic Eden of the working-men can only be protected by the angel of law, as one has said, standing at the gate with flaming swords, to keep back the spoiler. The State has nothing to do with the arguments for and against "the change of day,"—only with the wish of the majority, harmonized to the rights of the minority.

With sweet reasonableness we should try to show these Seventh-day people the mistake of their literalness with reference to the seventh day of the week. Chaplain Crawford of the United States Navy recently told me of a voyage to Samoa, during which the ship on which he was serving crossed the "Sunday line," 180°, and as usual corrected its reckoning by adding a day. If he had been going the other way he would have lost a day. Arriving at Samoa he found that the missionaries, in their zeal for Christian work, had forgotten to make this change when they crossed the line, years before, and so were keeping the Christian Sabbath, the Lord's Day, on what was Saturday on shipboard. He

preached for them on their Sabbath, and they came on shipboard to hear him again on his Sabbath; and so for three weeks, during which time, between the ship and the shore, they had two Christmas days, two New Year's days, and six Sabbaths. (Laughter and applause.)

The proposed Congressional "Sunday rest law," at the utmost, would not affect more than one thousand of these Seventh-day people, as they cannot be in the mail or military service or in interstate commerce and yet keep Saturday, and the further jurisdiction of the law is only in the District of Columbia and the Territories, in which very few of them reside.

There is

#### A QUESTION OF CONSCIENCE

involved in this matter. It is the question of two millions of people, as many as were delivered from the despotism of King George by the Revolution, who are now in a more serious bondage, the Sunday slavery to King Greed, doing needless work for gain on the Sabbath with uneasy consciences. At Yorktown, in the very shadow of the monument that celebrates the close of the Revolution, I asked a colored man who was in charge of the adjoining farm, pointing to a hole in a chimney, evidently made by grape or canister: "Was that done in this last war or in the Revolution?" He answered, "I don't know; how long ago was the resolution?" There was a good deal of *resolution* in the Revolution, otherwise the soldiers who stained the snows of Valley Forge with the blood of their half-clad feet, would never have trod in triumph the heights of Yorktown. Victory came not by resolutions such as are sometimes made on New Year's Day, and in religious conventions. It was *resolution* without the "s" that delivered those two millions from King George, and like **RESOLUTION** will deliver the two millions who are in the worse bondage of Sabbathless toil to-day. (Applause.)

**SABBATH REFORM LIBRARY, Vol. 1, No. 6, JAN. 20, 1890.**

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N. Y. WILBUR F. CRAFTS, *Editor.*

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CHIEF P. M. ARTHUR, *of the Brotherhood of Locomotive Engineers, in letter of Nov. 24th, 1888* : "I am in favor of any movement looking to the abolishment of all Sunday labor other than works of mercy and necessity. It has been repeatedly demonstrated beyond a question or doubt that all Sunday traffic upon railways can be dispensed with without any detriment or injury to the interests of the Railway Cos. Had I the authority, I would not allow a wheel to be turned between 12 o'clock Saturday night and 12 o'clock Sunday night."

*Brotherhood of Railroad Brakemen and Locomotive Firemen at a Union meeting held at Bloomington, Ill., July 24, 1889* :

WHEREAS, the Sabbath was ordained for man and

WHEREAS, All history shows the best state of society and the highest and best civilization when the hours of Sabbath were devoted to rest and a relief from labor, therefore, be it

*Resolved*, That we, as railroad employees, ask of the general public to forego Sunday travel on railroads, and the demanding or requiring managers of railroads to run Sunday trains for freight traffic, to the end that we, who are willing to give six days and nights of our time to the faithful service of the public add to our employers, may have the hours of the Sabbath with our families at our command, for the great good and comfort to ourselves from being at home with our families, and for church, Sabbath school and other privileges the Sabbath is designed to bring to us.

*Resolved*, That we tender our sincere and hearty thanks to those presidents and managers of roads who have recently issued orders curtailing Sunday work, and we most respectfully ask all managers of roads to follow their example.

*Resolved*, That as workingmen, we feel that we can do better service during

the six days of the week when we are permitted the rest and recuperation the Sabbath was designed to give us.

*Resolved*, That we, as railway employees, pledge ourselves to be of the best possible service in our power to the several railways which employ us, and to regard the interests of our employers when they show an interest in our best welfare by giving to us the best possible safety appliances and as much of Sunday rest as the exigencies of railway transportation will admit."—*From Am. Journal of Railway Appliances, Aug. 18, 1889.*

GEN. A. S. DIVEN, *Elmira, N. Y., thirty years Managing Officer of Erie R. R., in letter of April 8, 1888* : "There is no valid excuse for railroad traffic on Sunday, either for mails, passengers or freights. Is the transmission of mails a necessity? The best and most successful business men I have ever known never open their mails on Sunday. If there ever was a necessity for Sunday mail service, it ceased with the telegram. If there ever was a necessity for moving perishable articles on Sunday, it has been removed by the refrigerator car."

*Railroad Topics, April, 1889* : "The sentiment now sounding among the religious and church going portion of the community proclaims that the running of freight and passenger trains on Sunday is not a necessity."

*Chicago News, May 22, 1889* : "Now that the railway men have made a beginning they should give serious thought to the great Sunday problem which they have yet to solve. The friends of Sabbath observance object to Sunday trains and the employment of thousands of men to run them. Cannot the railways contrive to give some more of their employes one day of rest in every seven?"

*The Advance, Chicago, Jan. 3, 1889* : "Railroad corporations and managers have been especially responsible for an enormous amount of Sunday desecration and are peculiarly guilty in the matter

of defrauding thousands of individuals of their right to the enjoyment of the due tranquility and rest and peculiar privileges of the day. The public conscience if not also the moral sense of railway managers is beginning to be aroused. The movement for a law of Congress against Government work and Interstate Commerce on Sunday is fitted to enlist the co-operation of all good men as well as good women. The undertaking is by no means hopeless."

*Toledo Blade, July 6, 1889*: "This movement is one in which all should join, even if leaving the religious aspect out of the question. If the increase in Sunday work goes on, the laboring classes will find themselves compelled to work seven days a week for the wages of six days. That is the logical end of the matter."

*United Presbyterian, Pittsburg, Feb. 7, 1889*: "The bill now before Congress for the 'Sunday rest' should have the support of the whole people. We are glad to see that the working people are alive to its importance. Already petitions representing all parts of the country and many organizations have been presented urging its enactment. Let them continue to flood the desks of Representatives and Senators until they feel the rushing current of an awakened public sentiment. With the Sabbath estab-

lished in the army and navy, in the postal service and in interstate commerce a better day will be near at hand."

HON. W. C. BRECKENRIDGE, M. C., in address at New York, Jan. 28, 1888: "In pleading for this Day of Rest we do not plead for idleness, for a day of wasted time; but that the world's work may be well and fitly done. It has been demonstrated that beyond peradventure these bodies of ours, so fearfully and wonderfully made, including in them brain and soul, need and must have some periodic rest for recuperation. This tool which does the work, and which is of all tools the noblest and the most skillfully constructed, needs this period of cessation from labor to keep it in temper. There can be no greater mistake in the management of the great workshop of the world than to so abuse these human implements as to dull their edge and to render them less capable of performing their part. It is therefore a plea on the lowest possible ground of mere wise management of industrial implements that we demand for these implements of labor that they shall be so regulated as that the best possible results may be obtained from their toil. This every manufacturer does with his engines, his machines and his bands. On the same principle we demand this same wisdom for these implements of industry."

[Form of Petition.]

**To the State Senate of** ..... (Duplicate to House.)

The undersigned, adult residents of the City (or town) of ....., believing that railroad corporations have no more right to use the Rest Day for works of gain, to the injury of their employees, than manufacturers or merchants, and recognizing a perilous tendency in legislatures all over the land to legislate in the interest of property more than of persons, earnestly petition your honorable body, in the interest not only of railroad men and their families, but also of the very Rest Day itself, which is imperilled by every inequity in its law, to forbid all Sunday work on railroads, except in cases of accident, so far as your power extends, and to pass a resolution asking Congress to do likewise in its jurisdiction.

NAME.	OCCUPATION.

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**LABOR'S RIGHT TO THE WEEKLY REST DAY.**

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AN ADDRESS BY REV. WILBUR F. CRAFTS, AUTHOR OF "THE SABBATH FOR MAN, WITH SPECIAL REFERENCE TO THE RIGHTS OF WORKINGMEN," AT A MASS MEETING IN THE ACADEMY OF MUSIC, SCRANTON, PA., OCTOBER 20, 1889—HON. T. V. POWDERLY, MASTER WORKMAN OF THE KNIGHTS OF LABOR, PRESIDING.

I hold in my hand an ancient badge of Knighthood in labor, a saw that works only on the back stroke, which I brought



from Nazareth, such an one as Christ used when He toiled as a "working-man" at His trade; such as He laid down on the evening before the Sabbath, saying gratefully, as He thought of the morrow's rest from toil, "The Sabbath was made for man." Surely no man who knows and honors the story of Christ can ever despise honest toil in himself or in any other man. (Applause.) Hon. Carroll D. Wright, Chief of the National Bureau of Labor, has well said that the only solution of the labor problem lies in the application of *His* teachings to the conduct of labor and business. In this work, in which you are already a "Master Workman," I dub thee, T. V. Powderly, Knight of Labor, with the saw of Christ. (Applause.) Your Knighthood is not that of the sword that destroys, but that of the saw that upbuilds. You tear down only the robber castles of rum and fraud, to build, in their stead, the homes of temperance and industry, as did the Carpenter of Nazareth. Surely the church that was founded by "the Carpenter" ought never to be out of sympathy with the true interests of

workingmen, chief of which is the weekly Rest Day.

Coöperation between labor organizations and churches in restricting Sunday work is the first wire toward a bridge over the chasm which in some parts of the land separates many of the successors to Christ's trade from the successors to His name. The pretended working-man who works with nothing but his jaw, the anarchist who is like a brazen bell, nothing in him but a noisy tongue—these we may not be able to unite with us by our bridge. An industrious son of Erin in California being asked, "Are you a Dennis Kearney man?" replied, "No, I'm a wurrkingman that wurrks." All workingmen that work will appreciate the Church's aid in preserving their Sabbath rest.

Surely those workingmen are wisest and most consistent who refuse to hold the business meetings of their labor lodges and their picnics on the Sabbath. The Assemblies of the Knights of Labor in this city of their Chief, in deference to his wishes and wisdom, keep their own business as well as that of their employers out of the Rest Day, the Home Day.

From a labor standpoint, a "*Sunday law*" is only a *Six-day law*, big brother of "Early closing," "the Saturday Half-holiday," "the Ten-hour law," "the Nine-hour law," and the expected addition to the family, the unborn "Eight-hour law," which, if Mr. Powderly has his way, will not be the child of Violence but of Reason.

In this company of brothers the Six-day law is the biggest and the best of all. No other restriction of labor can be equal in value to one unbroken day of general rest—the rest not of idleness but of congenial fellowship.

Many friends of the Rest Day do it injury by not distinguishing between its

religious and civil aspects. A colored preacher supplied a long-felt want in our language when he said, "Brethren, what you want is sanctifigumption. Get sanctifigumption if you don't get anything else." Sanctifigumption prevents a man who is speaking to a legislative committee or a labor organization or a citizens' meeting about the civil Rest Day from talking of "Sabbath profanation" or "Sabbath desecration" instead of Sunday work and Sunday dissipation.

In each law against Sunday work the people make a new Declaration of Independence. Labor's right to the weekly rest day is a part of the "right to life, liberty and the pursuit of happiness." Working seven days per week shortens "life," destroys "liberty," blots out "happiness." Sabbath bells are liberty bells, proclaiming liberty to worship, liberty to rest, liberty for fellowship and for self-improvement—one day's independence of human mastership. Those are "white slaves" indeed who have one more day of toil per week than was required of the black slaves, emancipated by the war, whose every week had in it the oasis of a Sabbath for rest and fellowship and religion. (Applause.) Those who are robbed of their weekly Rest Day might as well have been slaves of Pharaoh for all they get out of Christian civilization.

Henry George has well said that Moses was the first labor reformer, and the fourth commandment his chief labor reform. Moses said to the employer, "I have proclaimed this law that thy man-servant and thy maid-servant may rest as well as thou." The whole Sabbatic system of Moses was a scheme to mitigate the sorrows of labor and poverty. It might appropriately be published as "novel" under the title of "Looking Backward," to rival Bellamy's. The seventh day, the seventh month, the seventh year, the year after seven times seven, were each rich in benefits to the poor and toilers. This is beautifully explained in "Eight Studies on the Lord's Day" (p. 135).

Judge Field, of the United States Supreme Court, in a famous opinion,

written when he was a member of the Supreme Court of California, afterwards adopted as the voice of that court, calls attention to the fact that Sabbath laws are not so much for those who can choose their time to rest, as for the protection of labor against capital, for the defense of labor's natural right to a weekly Rest Day. "The Lord's Day," is also "The People's Day."

If the simple farmers of Palestine, unusually religious and humane, when every master and servant met daily face to face, needed the restraint of a six-day law, much more do employers in this age of corporations, engaged in keenest competition.

The Pennsylvania Railroad has 75,000 employees, whose condition affects a quarter of a million in their families. There is no better railroad corporation, but what chance is there of one of those 250,000 drops getting any individual consideration for his right to the Home Day from the ten thousand corporate souls that divide almost to invisibility the responsibilities of that great corporation? But for the six-day laws, the corporation that was not "soulless," the competitor who was not a "cut throat," the humane employer who desired to give the weekly Rest Day to his employees, would often feel that to dismiss them for *one* day, would be to dismiss them for *all* days, by giving the "cut-throat" with whom he was competing the upper hand. Modern business, alas, is a warfare. If the soldiers on either side are to rest, law must proclaim and enforce for one day in each week "the truce of God."

Do you say, "Each man is at liberty to worship or not to worship, to work or not to work, on Sundays"? Nay, he is at liberty to give up his "job" when jobs are few and hard to get, and to go out into the army of the unemployed. (Applause.)

"I had rather be right than President"—or servant of a Sabbath-breaking corporation. No man should sacrifice his conscience, his manhood, to keep his place.

**W***ITH a firm reliance upon God, I hereby  
make my*  
**DECLARATION OF INDEPENDENCE**  
*against KING GREED, whose Sunday  
work I pledge my sacred honor never to  
do.*  
[Signed,]

The man who pleads as an excuse for Sunday work that he "must make a living," should remember that the bartender makes the same plea. I have searched the world over in vain for an affirmative answer to the question, "Did you ever know a man financially ruined by refusing to do Sunday work?" I have found scores of instances where courageous conscientiousness in this matter led to promotion, none where it led to poverty. (Applause.)

But society should not be so constructed that only heroes can survive. Gladstone has admirably said that it is the province of law to make it as easy as possible to do right and as hard as possible to do wrong. The six-day laws make it as hard as possible for the employer to destroy, as easy as possible for the employee to maintain, his natural right to the weekly Rest Day, and his related rights of conscience.

In this matter it is important that

**CONGRESS SHOULD SET A RIGHT  
EXAMPLE**

both as a legislator and as an employer. It is bad enough that Congressmen are so often examples of lawlessness in their Sunday junketings.

But worse than these personal examples, is the example of Government in its corporate action. While the United States keeps its Post Office open on the Sabbath for business, right in the center of the principal street of each town, it will be next to impossible for local reform permanently to close the saloon on one side of it and the shoe shop on the other, that are only following the Government's example, and trying to catch a little trade from those who are going for their Sunday mail. While the Gov-

ernment sends its Sunday mail train crashing through the laws of God and man, it will be very difficult to stop the other trains that are following on its wake. (Applause.)

Those who say of Sunday work, "This is not a matter for Congress, but only for the States," proclaim their own ignorance, for no legislators except those of Congress have the power to release from Sunday work the soldiers or the postmen or the vast army of toilers in interstate commerce, or the two hundred thousand people of the District of Columbia.

John Bright defined agitation as "the marshalling of the Nation's conscience to right its laws." Such a marshalling is the great "Sunday Rest Petition."

In 1883, and for some time previous, the "International Sabbath Association," Rev. Yates Hickey, Secretary, circulated petitions against Sunday mails and Sunday parades of United States troops, but the time did not seem to be ripe, and only a few thousand signatures were secured by this earnest pioneer.

In 1884 a busy New York pastor enlarged the petition, and again later, until it read as follows:

Senate Petition from State of.....  
County of.....  
City or Town of.....  
Number of Petitioners.....

**FOR A SUNDAY REST BILL.**

*To the United States Senate:*

The undersigned adult residents of the United States, 21 years of age or more, hereby earnestly petition your honorable body to pass a bill forbidding, in the United States mail and military service, and interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of real necessity and mercy, and such private work by those who regularly and religiously observe another day of the week by abstaining from labor and business, as will neither interfere with the general rest nor with public worship.

Name. (Prefix Mr., Mrs. or Miss).....  
Occupation.....  
(Duplicate for House of Representatives.)

This pastor's work was hardly begun when the Woman's Christian Tem-

perance Union established its Sabbath Observance Department, with an Oberlin woman, Mrs. J. C. Bateham, of Plainessville, Ohio, as its superintendent. She is the Deborah of us all in this fight by snowstorms of petitions against the Sunday chariots of iron. Whenever a good thing happens, be sure "there's a woman in the case." The infant petition, which had seemed likely to die young of neglect, was passed over to her, and, under her nurture and training, and that of her associates all over the country, in the course of three years, it grew into a millionaire, and then, of course, it was sent to that popular resort of millionaires, the United States Senate. (Laughter and applause.)

It is significant that these petitions for "Sunday Rest" were referred by the Senate to its Committee on *Education and Labor*. We are thus reminded that

THE AMERICAN SABBATH IS AN EDUCATOR,

hardly second to the common school and its best supplement. Four times seven is twenty-eight; that is, one seventh of the days in twenty-eight years make four years—more time for thought and self-improvement than a college course, for college students devote no inconsiderable part of their four years to football *et al.* The British-American Sabbath is the workingman's college, without which toilers could not qualify themselves for self-government, but would remain, like the adult infants of Continental Europe, content to take Sunday amusements in place of liberty. Reformers of illiteracy cannot afford to ignore the relation of quiet Sabbaths, protected against both toil and dissipation, to the diffusion of knowledge and of conscientiousness, without which there will be enough "blocks of five," too ignorant to resist the sophistries, too immoral to resist the bribes, of the demagogue, to write the death warrant of the Republic on the back of its ballots. (Applause.)

But it was doubtless, chiefly because the petitions call for a

LABOR REFORM

that they were referred to that Committee on *Education and Labor*. Hon. Carroll D. Wright, in his report on Sunday Labor in Massachusetts, shows, from the standpoint of the very master of Labor Reform, that it has no other department more important than the protection of employees against the Egyptian bondage of Sabbathless toil. Besides ministers, sextons, singers, doctors, druggists, nurses, undertakers, milkmen, household and hotel servants, and all others whose Sunday labor can, by the utmost stretch of terms, be considered as work of necessity or mercy, there are two millions—it is an underestimate—engaged in needless Sunday work for gain—one in every six families. The average is not so great as that in the East, but much greater in the "Wild West," where in some cases, it is said, the communion has to be held on Sabbath evening, because in the morning "the deacons are all down in the mines." A law forbidding Sunday work in the Government's mail and military service, and its wider domains of interstate commerce and the Territories, would release most of this two millions from Sunday slavery at a stroke, as one turn of a bar opens a whole row of prison cells.

One of the most hopeful aspects of the war against Sunday work is the fact that, in our country, labor organizations are awakening to their peril in season to *retain* the weekly Rest Day, which their fellows on the Continent are struggling, all too late, to *regain*. At the hearing given on April 8th, 1888, by the Senate's Committee on Education and Labor, to the petitioners who had appealed to Congress in behalf of the imperilled Sabbath rest, it was privately suggested by a member of that Committee to the person in charge of the hearing in behalf of the petitioners, that the petitions, up to that time, had come chiefly from churches, and that labor organizations should also and especially be asked to consider the matter, as their petition would be still more in

fluent. The object of the petition was accordingly explained to the Central Labor Union of New York City, a congress of New York's labor organizations, which, after discussion and deliberation, unanimously voted to indorse the petition. (Applause.) The very next day, before this resolution reached Washington, Senator Henry W. Blair introduced his original "Sunday Rest Bill." Our petitions have not been, to any considerable extent, for that particular bill, but for a law somewhat like it. The general purpose of the bill—not the bill itself—was indorsed, the day following its introduction, by the Presbyterian General Assembly (North), then representing seven hundred and forty-four thousand members. The Assembly also appointed its quota of charter members to organize the American Sabbath Union, a part of whose work is to carry the petition I have quoted to success. Since then the petition has been indorsed, after deliberation and discussion, by the International Convention of the Brotherhood of Locomotive Engineers, the General Assembly of the Knights of Labor, by the Southern Baptist Convention, by the General Synod of the Evangelical Lutheran Church, by the Congregational Council, by the Cumberland and Southern Presbyterian Assemblies, by many Methodist conferences, by Cardinal Gibbons, by churches of nearly all creeds, and by many other organizations of labor and religion. The petition is unquestionably the largest ever presented to any government, and unique also in being the only one in which labor organizations and churches of all creeds have generally united. (Applause.)

A labor leader has suggested that representatives of the churches and of labor organizations should meet for a frank conference to find how far they are agreed. It is certain that those who peacefully seek a new social order can not safely leave out motive and depend on machinery. The trouble with the present state of society is not so much its taxes or its tenements as its selfishness. Environment will not remove that. The very things which the Sab-

bath brings to men are those which are needed to lead capital and labor out of their deadly conflict into just coöperation. An ox and a stallion were shipped in the same freight car, separated by an extemporized partition. During the journey this gave way, and as the train halted the animals were found in deadly conflict, each mortally wounded. At length a kick from the aristocratic stallion killed the plebian ox, but the next moment the gored stallion fell and died. So will end the conflict of labor and capital in mutual destruction unless coöperation takes the place of conflict. Only the application of the principles of Jesus Christ to the conduct of labor and business can bring this peaceful revolution. The Duke of Wellington, referring to athletics, said: "Waterloo was gained at the public schools." The revolution of society is to be won in the people's college—the American Sabbath.

A critic of our movement has said: "'Petitions are all waste paper, no more effective than cheap handbills thrown into street doors.' This is the echo of the so-called 'practical statesman' who calls our work, 'Sunday-school politics.' But when there are no petitions he plays another tune: 'Who wants this?—there are no petitions.' Whatever the discount on the old style petitions made up of unclassified names, I appeal to you whether our new form of petitioning is mere waste paper. Are the deliberate votes of indorsement on these petitions by Congregational, Baptist and Methodist Preachers' Meetings, by Evangelical Alliances, by General Assemblies—are these and thousands more of such petitions from local churches of all creeds no more influential upon Congressmen than the handbills thrown in at their doors? Are the signatures of P. M. Arthur and T. V. Powderly, attached by vote of the Brotherhood of Locomotive Engineers and the Knights of Labor, and the official indorsement of hundreds of local labor organizations—are these also worth no more than a newspaper's rejected poetry? Is Cardinal Gibbons' signature on the petition of no weight in Congress? And what of the



thousands of letters that were hurried to Washington, like an ever increasing snowstorm, after the American Sabbath Union sent out information that the friends of the Sabbath who desired the hearing on the Sunday Rest Bill should apply to their Representatives in Congress—letters that not only asked for the document, but many of them for the passage of the law? If the petitions of all kinds are so ineffective, what led Congress to order three editions of the hearing in quick succession, making 42,000 in all—twelve thousand more (the Government Printer tells me) than his largest issues of documents on any other public question at the public expense? At the Document Room of the Senate I was told, when the first edition of about two thousand was not yet printed, that fifty times as many would not supply the orders already sent to him from Senators for their constituents who had written for them."

When I told a certain preacher in New York that there had been introduced in the Senate a "Sunday Rest Bill" such as we had been asking for so long, he answered, "You can't pass it." That kind of "*can't*" is cursing the churches more than the kind so often condemned. The law *can* be passed if the churches and labor organizations that have *not* indorsed the petition, promptly join those that have. [Applause.]

Congressmen ought to lead off in political, as ministers do in moral, reforms. But, in fact, ours is a wheelbarrow government that goes ahead in legislation only when it is irresistibly pushed from behind. [Laughter and applause.] But when most of the churches have laid hold together of one of the handles of the wheelbarrow, and most of the labor organizations have put their strong hands together on the other, Congress will not tip this bill out on its refuse heap, but will allow it to go through to enactment. [Applause.] Let every friend of the civil Sabbath of rest push a little by collecting signatures for our petition, and by getting every organization or convention with which he is con-

nected or can influence, to pass at once a resolution indorsing it.

"Let us help it all we can  
Every woman, every man,  
That good time coming;  
Smallest helps, if rightly given,  
Make the impulse stronger,  
'Twill be strong enough one day,  
Wait [and work] a little longer."

#### That part of the petition which asks for A SABBATH LAW FOR THE DISTRICT OF COLUMBIA

Surely ought to be granted by Congress without delay, since all of its members, except those from California, Arizo and Idaho, represent States having such a law. Let stately, beautiful Washington speedily become in its Legislation, what it is in almost everything else, the model city of the world.

The recent renewal of the demand for a Sabbath law for the Capital has been prompted by the sight of laborers digging in its streets on the Sabbath for the construction of a street railway. The limping defense rests on two deformed feet; first, that the work has been hindered by much rain; second, that some poor men have received extra wages! If men are to make reprisals on the Sabbath for all the week days when work was hindered by weather then this year alone has put a third or forth mortgage on nearly all the Sabbaths for the remainder of this century. As to wages for the poor, it is enough to recall the fact that where work is allowed on all the seven days the wages are less per week than where the six day law of the Sabbath prevails.

#### AS TO THE TERRITORIES,

Although each of them has some sort of legislature, it is to be remembered that Congress has absolute jurisdiction over them as much as over the District of Columbia, and frequently supplements their frontier legislation with a view of giving good citizens in the Territories as adequate protection as if they had the more mature government of States. The United States protects the homes of Utah against the Sunday saloons of Ogden as well as against the

Mormon harems of Salt Lake. Why should not the compulsory education in hygiene which Congress has given to all the Territories be supplemented by the practical hygiene of restful Sabbaths? So far from resenting such legislation as an interference with Territorial home rule the good citizens of the Territories everywhere petition Congress for it.

#### SABBATH REST FOR SOLDIERS

Proclaimed by the President, needs to be perfected by Congress by the stopping of parades, as well as inspections of arms, and also of secular concerts by military bands.

#### SUNDAY MAILS

are a much more serious matter. There are in round numbers, 150,000 men in the mail service—about half of the Government's "civil list." Nearly all of the postal half do more or less Sunday work while the other half rests. Hath not a postman flesh, conscience, a home, a church, that he alone of the manifold servants of the Government should be denied his Sabbath? The evil appears greater still when it is remembered that the Government, whose decisions are the only standard of right and wrong to most of our people, is presenting this harmful example of needless Sunday work at 60,000 offices, leaving hardly a hamlet in the country untouched by the contagion.

In these days when we hurl so much denunciation at corporations, it is too often forgotten that every citizen is a corporator in the largest and most "soulless" of them all. The Government, as the chief of all corporations, ought to be a model to all others. But I had occasion to say, at our first hearing before the Senate's Committee, that Congress was "*the very Pharaoh among employers.*" Certain horse cars, on which men were worked eighteen hours a day (counting the hours for meals), were appropriately called by the employees of the line, "man-killers." That corporation reduced its hours to twelve, leaving the United States post-offices, with their requirement of thirteen and sixteen hours work per day as the

champion "man-killers" of the land. Think of your employees—~~you~~, the people, are the controlling stockholders of the United States corporation, Congressmen being your directors, and the Postmaster General one of your managers—think of your employees being called from bed at five o'clock in the morning in order to report at the post-office at a quarter to six, and kept so constantly at work on heavy routes that breakfast and dinner must both consist of sandwiches, eaten out of the pocket while on the march, with supper, the only meal at home on alternate days, at ten o'clock at night, and that too alone—the babies that were left asleep in the morning being asleep again on the return in the evening; and besides all this, night watching and Sunday work—these carriers not even being allowed unbroken Sabbaths in which to become acquainted with the children whom they had scarcely seen awake on the other days of the week.

These evils have been largely reduced by the "Carriers' Eight-hour Law," but a six-day law is still needed for our postal service. One whole day in each week for rest and home and thought is the *constitutional* right of every man—using the word "constitutional" with reference to our physical and civil and religious constitutions—and such a day is worth more every way than the same amount of extra leisure doled out through a Sabbathless week.

Those Christians who use or defend Sunday mails may well hang their heads in shame as they read that in September last in India, Hindus and Parsis joined with British residents of Bombay in protesting, on humanitarian grounds, against the proposed dispatch of the Australian mail on the Sabbath, which even the heathen have learned to value as a surcease from toil.

It is not generally known that both Sunday mails and Sunday trains are

#### WAR MEASURES ABSURDLY CONTINUED IN TIMES OF PEACE.

Sunday mails were ordered by Congress on April 30, 1810, and were just-

fled by Congress and tolerated by the people only because war was momentarily expected with Great Britain. This brought in the mail trains, the only trains tolerated, except milk trains, for many years. In 1828-29, when there was a great popular uprising against Sunday mails, curiously enough, it was assumed by the Postmaster General of that day, who is said to have been under Seventh-day Baptist influence, that to repeal this war measure would be religious legislation. He argued for neutrality on religious matters on the part of the State, apparently blind to the fact that the petitioners were only asking the repeal of a law which was originally an act against religion. But Congress was fooled by his shallow sophistry, and, on the plea of *neutrality*, renewed its *hostilities* toward religion.

The opponents of Sunday mails claimed that they were infringements not only on the rights of Christians, but also on the rights of the original States, which had given Congress, in the Constitution, no permission to destroy their Sabbaths. This claim was about to be pressed in the Supreme Court, when war again, this time in Mexico, re-enforced the enemies of the Sabbath by drawing attention to new questions. The War of 1812 having started the Sunday mail trains, the War of 1845 defended them, and then the War of 1861 added other Sunday trains to carry soldiers and their supplies.

Advocates of peace may well put into their catalogue of the evil legacies of war, the weary toil, the saddened homes, the premature deaths, the corrupted morals, caused by Sunday mails and Sunday trains.

It is not, then, those who ask the discontinuance of these old war measures but those who ask their continuance who urge a strange thing.

You ask, "What if a letter calling a son to the bedside of his dying mother should be delayed twenty-four hours by the discontinuance of Sunday mails?" O, belated questioner, did you never hear of the telegraph, soon to be the people's

"fast mail?" To use the telegraph for such letters need not make Sunday work for telegraphers, for a letter that is to have a Sunday delivery must be mailed not later than Saturday, when a telegram would carry the message before the end of that day; and a letter put in the Sunday mail will not reach its destination any sooner than a Monday telegram.

No wise man ever depends on the mail for speed. Recently it took fifty-five days for a letter from California to reach me at New York. No matter whose fault it was, that was the fact. Suppose it had been a summons to a death bed? Shorter delays are common. The telegraph, run as a private monopoly, is slow and often inaccurate, but the only proper reliance for emergencies. Toronto keeps one telegraph office open on the Sabbath. Whether even that is needed is an open question. It is not a question whether the Sunday opening of more than one office in a city is unnecessary.

You say, "To stop the mails twenty-four hours in these days would cause a congestion of business." The answer to this prophecy is not a counter prophecy, but history. Toronto, the "Queen City" of the world in Sabbath observance, and hardly second to any in its rapid growth and solid prosperity, a city of 200,000 population, allows its postal servants to share the general rest, closing its post office to the public from seven of Saturday evening to seven of Monday morning, and stopping all work except that of the watchman through the entire twenty-four hours of the Rest Day. Toronto finds that this gain to the post office employees results in no loss to any one. If a larger city is wanted, take this: "Within a radius of five miles from the general post-office of London no inland letters are collected, carried, sorted or dispatched on the Lord's day." (Sabbath for Man, p. 286.) If all mail trains stopped on the Rest Day, and it were made in fact a *dies non*, it would be equally fair to all competitors, and give a man the same average mail on Monday morning as on Saturday, instead of causing "a congestion of business"

by flooding him with a double portion. The watchman is the only postal servant whose Sunday work can be justified either by Divine or American law. [Applause].

The argument against interstate

#### SUNDAY TRAINS,

a greater evil born of the Sunday mail and of War, is short and conclusive.

A recent letter from the Interstate Commerce Commission estimates the number of men in railroad service in the United States as "more than a million." Half a million more are employed on vessels and canals. A few thousand of this million and a half do no Sunday work, but their number is more than balanced by the Sunday work of those who are connected with those departments of transportation that have not been counted—street railways, stages, liveries, local and general expresses, railroad news companies, railroad restaurants and private ticket offices. An observant traveler cannot fail to note also that on the Sabbath the streets leading to railroads in many cities look like a market day, every shopkeeper at work to catch the trade of those who are going and coming. So spreads the evil leaven of the Sunday train.

Recently a score of American railroads, and one, at least in France (the Lyons and Mediterranean) have reduced the number of their Sunday trains. The surprised public has been somewhat too complimentary for these "small favors." But these reductions are only a beginning. The Sunday trains that remain are not only sins against God, but also crimes against man.

Thirty-one railroad managers, in response to printed questions, have said to me in writing that all railroad trains could be stopped on Sunday with no money loss to offset the great gains in health and happiness. (Applause.) The only way to make any reduction that will abide is to make it on the only just plan to all concerned, namely, to stop

all Sunday work except work of real necessity and mercy.

Excuse them how you will, these Sunday trains are run only to make money, to fatten the bank accounts of millionaires already too much favored by our laws. If *any* work for gain, not also a work of necessity or mercy, is to be allowed on the Sabbath, *all* such work should be equitably allowed. The law that forbids a poor widow to sell wholesome books on the Sabbath, while permitting a millionaire to sell railroad tickets, is itself a crime. Anarchy fattens on such injustice.

"But," you say, "what if the father, hastening to the bedside of his dying son should be stopped twenty-four hours and so should be too late." I answer that it is better that a son should die now and then, without the comfort of his father's presence, which could not save his life, than that hundreds of railroad men should die before their time every year, through the exhaustion and demoralization of their Sunday toil.

You excuse the Sunday train by saying, "The public demands it." Say rather, "The *pocket* demands it, *in* blindness to its own interests." Experiments on many railroads this year in decreasing Sunday trains (see "Recent Progress of Sabbath Reform Among Railroads," by Edwin C. Beach, published in pamphlet by Ohio State Journal, Columbus, Ohio), show that money has in many cases been saved, and in none lost. The gains to the homes of railroad men cannot be told. In figuring out even the financial balance, we are not to leave out of account the depreciation of railroad stocks by millions, due in part, as Judge Cooley and Charles Frances Adams and President Stickney intimate, to the lack of commercial honor among railroad managers. Sunday work wrecks not only trains but consciences, and in both cases there comes a money loss as well as a moral one.

If the public "demand" Sunday trains, how is it they have to be cajoled into them by frantic advertising at one-fifth the usual rates. Thousands

who use Sunday trains because "they would run anyway," instead of "demanding" their continuance, have petitioned for a law to stop them. He is deaf, indeed, to the signs of the times who has not heard, in the railroad riots of recent years, a "demand" loud as the roar of Waterloo, not for more Sunday trains, but for more justice to railroad men, for more culture of conscience by railroad men, who have in their power the property which is at once the most exposed and the most important to the general welfare of any in the country. The "Round House," with its mighty engines is a giant's castle. One of these iron giants can kill more people at one blow than any giant of the fables. How important that they who guide them should be sober, faithful men! In a recent year there was wanting only what was for a time feared, a word of command from the railroad King Arthur, ordering a general strike of locomotive engineers, to plunge the whole country into a commercial and social anarchy, of which 1877 and the Chicago bombs, and the New York blizzard are but gentle hints. I believe the fears were groundless, and that our King Arthur will use his authority only in knightly justice to all.

The reason that more frequent appeals for release from Sunday work are not made by railroad men themselves is that past appeals have seemed to be in vain. The plea of the Brotherhood of Locomotive Engineers, in the days of the first Vanderbilt, for the stopping of all Sunday freights, and the subsequent plea of four hundred and fifty of Mr. Wm. H. Vanderbilt's engineers, a few years since, for their weekly rest and their rights of conscience, for their own physical benefit and the moral benefit and happiness of their families, stand as the perpetual and pitiful appeals of all Sunday toilers for emancipation from their Sunday slavery.

Chief Arthur told me that Mr. Wm. H. Vanderbilt made no objection on the ground that stopping such trains would be either impracticable or unprofitable. *The only objection was competition.*

He replied, "I will stop Sunday trains, if others will." "Others *will*" only when all *must*, at the dictate of Congress, one of whose chief functions it is to save citizens from being crushed between the upper and nether millstones of competing corporations, with hearts of rock. A son-in-law of Mr. Vanderbilt is authority for the statement that the latter made an effort at that time to get other railroad managers to join him in a reduction of Sunday trains, but in vain. In a published interview Mr. Depew gives it out that competition is the only reason that recent reductions are not greater. All of which shows that Congress as an outside umpire must stop the Sunday work of all the competing lines together, if it is to be stopped at all.

Many railroad men would be glad to have their Sabbaths for rest and home and thought even at a reduction of one-seventh in their wages, but if, as the engineers stated in the appeal referred to, and as many managers admit, they can "do more work in six days per week than in seven, and do it better," or even as much, they will be supported by the public in demanding the same wages for six days which they now receive for seven.

The very heart of ancient knighthood, whose spirit the Knights of Labor profess to embody, is unselfish defense of others who have been wronged, as if their wrongs were our own. Surely then no true Knight of Labor, with that "bitter cry" of the engineers ringing in his ears, can use a Sunday train. The true Knight of Labor will find his Sabbath rest in some of the many ways that will not destroy the rest of his fellows. I have heard of but one labor organization voting against the great "Sunday Rest Petition"—an assembly, I will not say of musicians, but of brass blowers, who care more for two dollars each from a Sunday picnic than for the release of two millions of their fellows from needless Sunday toil, and yet are brazen enough to call themselves "Knights of Labor."

When the Sunday Rest Petition was under discussion in a meeting of loco-

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### HOW SUNDAY TOILERS FEEL.

A few years since some 450 of his locomotive engineers petitioned Mr. William H. Vanderbilt for "the cessation of Sunday labor." After pointing out how Sunday running had become "a great hardship," they continue: "We have borne this grievance patiently, hoping every succeeding year that it would decrease: We are willing to submit to any reasonable privation, mental or physical, to assist the officers of your company to achieve a financial triumph; but after a long and weary service, we do not see any signs of relief, and we are forced to come to you with our trouble, and most respectfully ask you to relieve us from Sunday labor, so far as it is in your power to do so. Our objections to Sunday labor are:

(1) This never-ending labor ruins our health and prematurely makes us feel worn out like old men, and we are sensible of our inability to perform our duty as well when we work to an excess.

(2) That the customs of all civilized countries as well as all laws, human and Divine, recognize Sunday as a day of rest and recuperation; and notwithstanding intervals of rest might be arranged for us on other days than Sunday, we feel that by so doing we would be forced to exclude ourselves from all church, family and social privileges that other citizens enjoy.

(3) Nearly all of the undersigned have children that they desire to have educated in everything that will tend to make them good men and women, and we cannot help but see that our example in ignoring the Sabbath day has a very demoralizing influence upon them.

(4) Because we believe the best interests of the company we serve, as well as ours, will be promoted thereby, and because we believe locomotive engineers should occupy as high social and religious positions as men in any other calling. We know the question will be considered: How can this Sunday work be avoided with the immense and constantly increasing traffic? We have watched this matter for the past twenty years. We have seen it grow from its infancy until it has arrived at its now gigantic proportions, from one train on the Sabbath until we now have about thirty each way; and we do not hesitate in saying that we can do as much work in six days with the seventh for rest, as is now done. It is a fact observable by all connected with the immediate running of freight trains that on Monday freight is comparatively light; Tuesday it

strengthens a little, and keeps increasing until Saturday, and Sundays are the heaviest of the week. The objection may be offered that if your lines stop, the receiving points from other roads will be blocked up. In reply, we would most respectfully suggest, that when the main lines do not run tributaries would only be too glad to follow the good example. The question might also arise, if traffic is suspended twenty-four hours will not the company lose one-seventh of its profits? In answer, we pledge our experience, health and strength, that at the end of the year our employers will not lose one cent, but on the contrary, will be gainers financially.

Our reasons are these: At present the duties of your locomotive engineers are incessant, day after day, night succeeding night, Sunday and all, rain or shine, with all the fearful inclemencies of a vigorous Winter to contend with. The great strain of both mental and physical faculties constantly employed has a tendency in time to impair the requisites so necessary to make a good engineer. Troubled in mind, jaded and worn out in body, the engineer cannot give his duties the attention they should have in order to best advance his employer's interests. We venture to say, not on this broad continent, in any branch of business or traffic, can be found any class in the same position as railroad men.

They are severed from associations that all hold most dear, debarred from the opportunity of worship, that tribute man owes to his God; witnessing all those pleasures accorded to others, which are the only oases in the deserts of this life, and with no prospect of relief. We ask you to aid us. Give us the Sabbath for rest after our week of laborious duties, and we pledge you that, with a system invigorated by a season of repose, by a brain eased and cleared by hours of relaxation, we can go to work with more energy, more mental and physical force, and can and will accomplish more work and do it better, if possible, in six days than we can now do in seven. We can give you ten days in six if you require it, if we can only look forward to a certain period of rest. In conclusion, we hope and trust that, in conjunction with other gentlemen of the trunk lines leading to the seaboard, you will be able to accomplish something that will ameliorate our condition.

[When Congress is not in Session return to Rev. W. F. Crafts, New York.]

## SIGN BOTH, THEN OUT APART.

Senator

Please present the following

### PETITION FOR A SUNDAY REST LAW.

The petition which follows was indorsed by a standing vote of \_\_\_\_\_  
(men and women of 21 years of age or more) by a meeting  
of citizens of the State (or Territory) of \_\_\_\_\_

County of \_\_\_\_\_ City (or Town) of \_\_\_\_\_

on \_\_\_\_\_

Attest: \_\_\_\_\_ Presiding.

The petition which follows was indorsed at regularly called meetings by the following Churches, labor societies, temperance unions, and other organizations of the above named locality:

\_\_\_\_\_ Church, \_\_\_\_\_ members,

by vote of \_\_\_\_\_ Attest: \_\_\_\_\_

\_\_\_\_\_ members,

by vote of \_\_\_\_\_ Attest: \_\_\_\_\_

#### To the United States' Senate:

The above organizations, and adult residents (21 years of age or more) of the United States, hereby earnestly petition your honorable body to pass a bill, forbidding, in the United States, Mail and Military service, and in Interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except work of real necessity and mercy, and such other work as shall be determined by the National Congress, to be observed on the day of the week abstaining from labor and business, as will neither interfere with the general rest nor with public worship.  
(Names of individuals, in their own handwriting, preceded by Mr., or Mrs., or Miss. Add more paper for other signatures.)

(SIGN BOTH PETITIONS.)

NAMES.

OCCUPATIONS.

Congressman

Please present the following

### PETITION FOR A SUNDAY REST LAW.

The petition which follows was indorsed by a standing vote of \_\_\_\_\_  
(men and women of 21 years of age or more) by a meeting  
of citizens of the State (or Territory) of \_\_\_\_\_

County of \_\_\_\_\_ City (or Town) of \_\_\_\_\_

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Attest: \_\_\_\_\_ Presiding.

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by vote of \_\_\_\_\_ Attest: \_\_\_\_\_

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(SIGN BOTH PETITIONS.)

NAMES.

OCCUPATIONS

ve engineers in Washington one of  
 1 said that in seven years he had  
 r been free to spend a single  
 ath with his family, and that when  
 id get to see them for a few hours  
 as often so weary for lack of regu-  
 est that he would fall asleep while  
 ing and have to be aroused by his  
 daughter to complete his meal.  
 as in such a home that the little  
 when her mother had read the  
 7 of God's seven days in Genesis,  
 pathetically, "We shall have to  
 God to make an *eighth day* so that  
 can rest and be at home with us.  
 ad of asking God to make an  
 th day let us restore the seventh

He "made for man" at the be-  
 ing.

ho can picture the value of the  
 ath in the poor man's home? God's  
 first gifts to unfallen man were the  
 ly and the Sabbath, the Jacin and  
 pillars of strength and beauty be-  
 that Edenic temple of innocence.  
 e pillars have been scarred by the fall  
 are still the chief pillars of Christian  
 zation. They stand or fall together  
 with them civilization itself. Behind  
 e pillars, in the Sabbath at home,  
 sands have found, even in this  
 d, their paradise regained. They  
 precious to the rich, for in these  
 the millionaire is held to his toil  
 igh the six working days by his  
 etitor almost as closely as his em-  
 es by their master. But yet more  
 ous is the Home Day to the poor.  
 r even than its sweet restfulness,  
 r even than its release from rou-  
 better even than its opportunities  
 creasing intelligence, is its escape  
 all human mastership. One day  
 very week the poor man has full  
 ssion of the two chief treasures of  
 ichest and the mightiest, independ-  
 and home fellowship. Never so  
 ppropriate as at Sabbath twilight, in  
 ome circle is that song of the heart,  
 me, home, sweet sweet home."  
 vho drives or allures men from  
 econd Eden to Sunday work or  
 ay dissipation to gratify his greed

or lust is that old serpent the Devil or  
 his agent.

The railroad tracks of the United  
 States, long enough to girdle the world  
 thirteen times—an unlucky thirteen un-  
 less Sunday work is stopped—are the  
 Laocoon coils of a serpent that is crush-  
 ing the father and children together—  
 their life, their morals, their happiness  
 —in a million homes.

As Dr. John Hannon, of San Fran-  
 cisco, has said: "Every Sabbath morn-  
 ing our civilization stands, like Shylock,  
 crying for its pound of flesh."

A railroad conductor recently told me  
 that during the previous month he had  
 worked thirty-eight days, and that an-  
 other conductor on the same line had  
 worked forty. It must have been the  
 latter's boy who said that his father  
 worked "fourteen months in the year."  
 Accidents, sometimes, reveal the fact  
 that railroad men work even more than  
 that. The engineer who was found  
 guilty of manslaughter for the Mud Run  
 disaster had been seventy-two hours on  
 duty with only six hours rest. That was  
 working at the rate of nine hundred and  
 twelve nine hour days per year. His  
 manager ought to have been found  
 guilty of murder in the first degree.  
 (Applause.)

Look at a railroad map of the United  
 States and you will see that all our  
 States are in the meshes of one immense  
 spider's web. It is said that the close of  
 the nineteenth century will find the en-  
 tire ownership of our railroads vested in  
 twenty-five railroad kings. If that be  
 so, then the opening of the twentieth  
 century will find this nation the "*pocket*  
 borough" of a railroad trust, or it will  
 find the railroads owned and controlled  
 by the nation. (Applause.)

Such a law as we ask of Congress  
 would be welcomed by not a few of the

#### RAILROAD MANAGERS

themselves, most of whom lack the  
 moral courage to stop their Sunday  
 trains while such trains are run on rival  
 roads, though they believe, with the  
 engineers, that no more money is made  
 by seven day's railroading per week than



would be made by six with employees improved in many ways by the Rest Day. The "good-will" of a store has a cash value, and so has the good-will of employees.

One who uses refrigerator cars vary largely, and who believes that they remove all necessity for Sunday freights for perishable goods, says that one or even two days of delay en route makes no increase of expense. The new cars for live stock make it possible to give even those who run stock trains their Rest Day without cruelty to animals. I am informed that the interstate law requires that they should be stopped every twenty-eight hours in order to prevent them from becoming feverish and so unfit for the people's meat. At the time of the first hearing on our petition at Washington, the Senate was debating, at great length, an interstate commerce bill to protect the health of cattle in transit—doubtless the very bill just referred to. We suggested that it would be appropriate to give as much time to the consideration of our proposed interstate commerce bill for protecting the health of more than half a million railroad men by giving them their weekly Rest Day. That the Senate did not do so is but one more proof of labor's just charge against legislators, that persons are less protected than property.

Do you say, "I believe in stopping most of the Sunday trains, but surely

#### THE TRANS-CONTINENTAL TRAINS,

that require seven days to cross the country, ought not to be stopped in midcontinent any more than a steamboat in midocean." That steamboat cannot be thrown at us from midocean much longer. When Mr. Moody can preach in Queenstown on one Sabbath, and in New York City the next, and when six day trips are getting too common to publish, we are very near a time when an awakened Christian and humane sentiment may insist on adding some, at least, of the steamboat men to the list of those who may have a share

in the weekly Rest Day. As to the transcontinental train, it has once crossed our continent in three days and a half, carrying a theatrical troupe from New York to San Francisco, and if the American people desire to emancipate the overstrained railroad men from their Sunday slavery, the few business men who are in such a hurry to reach the insane asylum as to cross our great continent in one unbroken trip, will be able to do it by starting on Monday or Tuesday or Wednesday. (Applause).

Surely the law we seek is in accord both with man's constitution and with the United States' Constitution. The cry that this humane law would be

#### A PRACTICAL UNION OF CHURCH AND STATE

encounters its most serious difficulty in the fact that it has been indorsed, not by churches only, but the highest assemblies of labor. When it is asserted that this movement to secure a law of Congress against Sunday work is really an effort of ecclesiastics to unite church and state, I am accustomed to hold up some of the petitions that have been smutted by the hands of the toilers as they have signed them while at their work, as you see in this one from the car shops at Richmond. In old England the barons as you remember, thought it beneath them to do even such mental work as is required in education, and so had servants do both their reading and writing. When a servant had written a deed, the baron, in place of signing his name, dipped the inside of his hand in a plate of smut, and stamped its picture on the document—the lines of every man's hand being as different from every other's, as his handwriting would have been—and then, turning his hand, he stamped his seal ring into the hot wax. So originated the term, "Witness my hand and seal." So to those who call the effort to secure a Rest Day for the toilers, a church and a state movement, Labor replies, uplifting the smutted petition, "This is genuine labor reform—this six day law—witness my hand and seal." (Applause.)

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**SABBATH JOYS AND SUNDAY AMUSEMENTS.**

*Talmud* : "Rabbi Chanina wrapped himself in his festal cloak and when the Sabbath eve was on the turning point he said : 'Let us go out to meet the Sabbath—the Queen.'"

*Epistle of Barnabas* : "We keep the eighth day with joyfulness, the day also on which Jesus rose again from the dead."

REV. R. S. MACARTHUR, D. D. : "A week without Sunday is like a country without the smell of flowers or the song of birds. It is like a year without a Summer—nothing but bleak, barren, frozen Winter."

*Toledo Commercial* : "In proportion as loose ideas in regard to the Sabbath grow, the number of persons required to work on that day increases."

*New York Journal of Commerce* (June 3, 1889) : "It is not bigotry nor fanaticism to insist that one day in seven shall be set apart for peace from business cares and secular pursuits. In our judgment no people will prosper who disobey this law which is written in the very constitution of the material universe, as well as in the revelation which is sacred to so many hearts. This demand to do away with the sentiment that prevents the turning of the first day of the week into a grand holiday is not in the interest of the poor laborer. The moment this restriction is wholly abolished, Sunday will become a working day and not a day of rest for the poor."

DR. EUGENE BERSIER, *Gospel in Paris*, p. 171 : "We are often surprised when we compare the physical degeneracy of the workmen in the French centers of industry with the vigour of the English operatives. Do you not think that the observance of the Lord's Day may be one of the causes of this difference?"

T. DEWITT TALMAGE : *The Champs Elysees* one great mass, one great mob of pleasure seekers; balloons flying,

parrots chattering, footballs rolling, Punch and Judy shows in scores of places, each with a shouting audience; hand organs and cymbals and all styles of racket, musical and unmusical. And then as the day passed on toward night, I stood and saw the excursionists come home, fagged out men, women and children, a great Gulf Stream of fatigue and irritability and wretchedness. A drunken Fourth of July instead of a Christian Sunday. If you have ever been in Brussels or in Paris on the Sabbath day, it requires no great persuasion on my part to get you to pray morning, noon and night that such a Sabbath may never come to this country."

PROFESSOR LUTHARDT, Leipsic : "England and America are richer than Germany because they keep the Sabbath better." — *Quoted by Prof. Wilcox in Advance*, June 2, 1889.

*The Nation* : "The footing of Sunday as a day of rest is almost as precarious in Germany as its footing as a day of religious observances."

REV. JOSIAH STRONG, D.D., author of "Our Country," in sermon on "The Civil Sabbath" : "The Continental Sabbath can hardly be called a day of rest. The time not devoted to business is, by the multitude, given up to amusements. But many amusements can no more take the place of the Sabbath rest than of night rest. Reaction may be afforded by a change of activities, but the intense living, the headlong rush of this generation, stands in peculiar need of repose, the rest which comes only from quiet. As a matter of fact, as a holiday Sabbath is commonly followed by a jaded Monday. Among the lower class of operatives in France, Germany and even in England, the effects of Sabbath dissipation very commonly make Monday an idle day. European manufacturers say that American workmen earn more than European by being able to do work

Mondays. Among us, wherever the Continental Sabbath has prevailed, Monday is the poorest workday in the week, showing that Sunday amusements have served to exhaust rather than recuperate."

PROFESSOR HERRICK JOHNSON, D.D.,

"The American Sabbath is a civil institution, recognized and embedded in our law as a conservator of public morals and as conducive to public order. No civil process is valid that is served on Sunday, except in extreme cases. In many such ways the Sabbath is in our law as a civil institution, recognized, provided for, and perpetuated. The need of this day of rest is laid of God in the constitution of the body, and, therefore, the Sabbath is the most effectual shield thrown around the laborer, protecting his liberty, his health, his home, and guarding alike against the tyranny of capital and the license of anarchy. One of the most anomalous things in connection with this whole discussion is that laboring men should ever be found opposed to this Sunday movement. Let the exact nature of this question once be thoroughly understood, and honest, self-respecting labor will rise as a wall of adamant against the encroachments of capitalistic greed upon the Sabbath."

The claim of the Sabbath as a day of religious culture and worship is laid only on the individual conscience, and is not to be enforced by legal statute. It is no part of this Sabbath movement to make people good by law. We do not propose to force religion down people's throats. God alone is Lord of the conscience, and has left it free from the doctrines and commandments of men.

While we do not seek by law to enforce the religious observance of the Sabbath, yet 'every individual has the right to the enjoyment of the Christian Sabbath without liability to annoyance from the ordinary secular pursuits of life, except so far as they may be dictated by necessity or charity.' Supreme Court, 40 Ill. R., 146."

REV. H. D. GANSE, D. D. "There is a broad ground on which all fair-minded men and good citizens ought to stand together in maintaining by law a weekly day of rest from labor, for religious opportunity, and of safety from the gambling-hell and the saloon. Where the laws of a community are already planted on that ground, and the magistrates do not enforce them, those magistrates are offenders against common morality. They are making no issue with religious fanaticism. Fanaticism has nothing to do with this question of human nature's right to a weekly day of safe rest. The denial of that right, in whatever phrases of liberty it may dress itself, has one main inspiration—the gain which some men can make by breaking down the Sunday that defends other men."

JUDGE FIELD, *U. S. Supreme Court* :

"Laws setting aside Sunday as a day of rest are upheld, not from any right of the Government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement which comes from uninterrupted labor. Such laws have always been deemed beneficent and merciful laws, especially to the poor and dependent, to the laborers in our factories and workshops, and in the heated rooms of our cities; and their validity has been sustained by the highest courts of the States."

HENRY GEORGE: "I believe that the institution of the Sabbath is one of the greatest benefits that the human race ever had. I believe in the strict enforcement of the law that prevents servile labor being carried on on the seventh day."

GRAHAME :

"Hail, Sabbath ! thee I hail, the poor man's day !  
On other days the man of toil is doomed  
To eat his joyless bread lonely; the ground  
Both seat and board; screened from the Winter's  
cold  
Or Summer's heat, by neighboring hedge or tree;  
But on this day, embosomed in his home,  
He shares the frugal meal with those he loves,"

## FAIR PLAY AND SUNDAY PLAYS.

AN ADDRESS BY REV. WILBUR F. CRAFTS,  
ON NOVEMBER 24TH, 1889, IN MAC-  
AULEY'S THEATRE, LOUISVILLE.

The American Sabbath is feeling the beneficial effects of the revival of Americanism. But the motto, "America for Americans," to my mind is un-American as well as un-Christian, unless you mean by it "Americans in spirit, born under whatever sky." Of these we cannot have too many. Some of you have heard of the Irish wife who said: "Moike was naturalized lasht wake, but it didn't take. He spakes wid as strong an Oirish accint as iver." We have no room for Irishmen who will not be Americanized—to use a better word than naturalized—but plenty of room for real Irish-Americans, whose ideals and loyalty have no foreign "accint." "America for Americans," strictly interpreted, would send us all back to Europe, Asia or Africa, except the Indians.

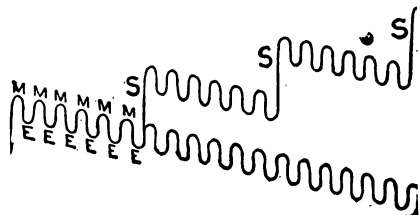
A man in New York went before a judge for naturalization. He was asked, "What is your nationality?" He replied, "I don't know. Judge, I wish you would tell me. My father was an Englishman, my mother a Spaniard, and I was born on a French ship flying the Dutch flag. I want to make the rest of the voyage of life under the Stars and Stripes." Such a man is "Brother Jonathan," a conglomerate British-Spanish-French-Dutchman, voyaging under the Stars and Stripes. Since this composite blood flows in all our veins, let us revise our watchword, and say, "America for *American institutions*." Nothing more fitly embodies this watchword than the defense of the American Sabbath, to whose rest of body and mind, to whose diffusion of knowledge and of conscientiousness, to whose mingling in the churches every Sabbath of rich and poor as equal sons of God, we owe, more than to almost anything else, the fact that we are not, like France of the holiday Sunday, a republic "good for this day only," lying uneasily in the crater of a not extinct volcano.

This brings us face to face with the

question of Sunday amusements. Who can doubt that the difference between the "Frenchy" Sunday and the American Sabbath has a causative relation to the corresponding difference between the transient French Republic and the rock-firm American Republic. The character of persons and of peoples is determined more by their use of leisure than by business hours. Tell me which way a man goes for his evenings and his Sabbaths, and I will tell you which way his life is going. Any people who spend their Sabbaths partly in toil and the remainder in dissipation or childish play can never develop enough manhood to safely govern themselves. Sunday amusements therefore have an important bearing upon civil as well as religious affairs. It is this civil aspect which I propose to consider. "Bread and games" was the dying cry of the Roman Republic. "Sunday beer and games" our sovereign people will not grant, to their own political destruction.

Let us approach this question by the firm steps of four generally admitted propositions.

*First*: There is in the civilized world almost universal acceptance of the proposition that *a weekly Rest Day is a natural need, and so a natural right of man*. "By the following simple but graphic diagram, Dr. Haegler exhibits the expenditure and partial recovery of the forces in the ordinary daily labor and nightly rest, and the need and effect of the supplementary rest of Sunday, to maintain them at the level of highest efficiency."



"Beginning on Monday morning, each downward stroke to E (evening), marks the daily expenditure of energy, and the upward stroke the nightly recovery, which does not rise quite to the height of the previous morning; so that there is a gradual decline during the week, which only the prolonged rest of Sunday repairs. The downward line shows the continuous decline of the forces when they are not renewed by the weekly rest."

Humboldt the Great, who was so far from being a religious fanatic that his followers debate whether he ever said anything favorable to Christianity, defended the weekly Rest Day as a natural law, scientifically proven. He called attention to the mad experiment of France with a ten-day week. It was soon found that one day of rest to nine of work was too little. Many persons, therefore, added, as a voluntary rest day, the abandoned Sunday, making two rest days in each of their ten-day weeks, but one day of rest to four of work was found to be too much, and so the nation that had jumped the track of God's laws, after dashing about perilously for a dozen years on the ties, returned to the track of the seven-day week. Judge Field reminds us that there are very few points on which so many statesmen, scientists and philosophers are agreed as on the necessity and value of the weekly Rest Day.

*Second:* There is the same general agreement that this weekly Rest Day must be *the same day for all*. It will not do to have the bricklayers rest Monday, and the hod carriers Tuesday; the bankers Wednesday, and the merchants Thursday; the judges Friday, and the lawyers Saturday. In business life men are coupled like the cars of a train—they must all be "on the go," or all stop together. Besides, rest requires fellowship. Friends must rest in company or they might as well not rest at all.

*Third:* The agreement is nearly as universal that this common Rest Day must be *protected by law*. When a people conclude that employees ought not to be kept at work more than ten hours

a day they make a "ten-hour law" to restrain unjust masters in the interest of their employes and their competitors alike. So when a community is persuaded that men ought not to work more than six days per week (except in cases of necessity) they need to put their conviction into a *six-day law*, that is, a Sabbath law, to restrain those who would not otherwise be just to their competitors and their employees.

*Fourth:* There is general agreement also that in prohibiting Sunday work, the State should make *three exceptions*, namely, (1) for works of necessity, (2) for works of mercy, (3) for private work by those who observe another day of the week.

Works of real "necessity," in the very nature of the case must be permitted on every day. The difficulty is that the word "necessity" is racked by legislatures, courts and police until it is mangled beyond recognition. The contradictory decisions in Massachusetts courts, one declaring that shaving on Sunday at a barber shop *is*, and another that it is *not* "a work of necessity," suggest that "justice," so far from being "blind," is cross-eyed and looks two ways at once. There are many other illustrations of this which suggest that the definition and enumeration of "works of necessity" should be done, as far as possible, by legislatures, not left to police courts.

Works of mercy are the very best rest from work for money, because so complete a change of thought.

In most of our States a further exception is made for those who regularly and religiously observe the Saturday Sabbath. They are allowed to do such private work on our Sabbath as will not destroy the general rest. Too little attention is given by legislators, judges and police to the adjustment of the rights of the minority to those of the majority in this matter. No State can justly allow those who keep Saturday to open shops for traffic on the general Rest Day, unless it be in some exceptional colony where all who buy, as well as all who sell, are Saturday-

ers. Those whose convictions forbid them to sell on Saturday should use some other mode of livelihood—shop-keeping, unless they can do a week's work, like school teachers, seven days.

**SUNDAY AMUSEMENTS ARE FORBIDDEN BY CIVIL LAW.**

the foregoing steps we have climbed thereto the portals of *the Sabbath* tion, namely: *Cannot another ex- tion be added for Sunday amuse- is?* As ministers, sextons, singers, ors, druggists, nurses, servants, are ved or required to follow their usual ations on the Rest Day, and must their weekly rest wholly or in part ome other day, or parts of other , may not the civil law, apart from ious considerations, allow theatres railroads to work their employees l or a part of the Rest Day in furn- ing public amusement, provided are given some other day for rest? is *the Sabbath* question, the most al, the most vital part of the whole act.

arly all our States, in the latest re- ns of their laws, have answered question in the negative. Why? because Sunday amusements are ded by Christians as sinful. Our latures in recent years have not open to the complaint of being so pious that they lean the other way. nday amusements were not crimes ist man, as well as sins against they would not be forbidden by the atures of to-day.

those who say that the opposition nday amusements is not at all due numane interest in preserving the Day, but is only an attempt of the her to corral a congregation by ing up everything but the church, nswer is that the church certainly many things out of Christlike hut- ty, with no reference to filling its or its purse—notably in building maintaining hospitals for incur- , and many more things through fish interest in public morality.

**a State forbids Sunday amusements**

partly because they deprive thousands of men of their share in the weekly Rest Day, without any such valid plea as that of mercy or necessity. Actors, for instance, have often protested against their Sunday work. There is, in the case of many of these amusements, street parades, for instance, the added reason that they rob the community of its right to a quiet day—so much needed in this age of extinct leisure, when the week days are so largely spent in vexatious helling to the telephone and anxious running after trains, by which our nervous account is heavily overdrawn. The chief reason, however, why civil law forbids Sunday amusements, is not the injury that comes to individuals from Sunday work and noise, but the fact that to allow them would be to destroy the Rest Day itself and so the body politic also.

This would occur, and does occur in this way. If the amusement vender is allowed to sell his minstrelsy, his tragedy, his comedy, his excursion tickets on the Rest Day, the merchants who have better things to sell demand an equally early chance at the Saturday night's wages, and so toil and traffic of all kinds crowd into the Rest Day. When the State allows a poor man, because he has no refrigerator, to buy his cigars on Sunday morning, it must not forbid the clothier to supply his customers also on Sunday morning with coats "hot from the griddle."

There is a relation, you perceive, between fair play and Sunday play. You cannot have both in your Rest Day.

When Mr. Heath, of Brooklyn, introduced in the New York Legislature an amendment to the Sabbath Law, forbidding Sunday sales of candy and tobacco, it was laughed down as a "baby bill." But tobacco and candy in this case stood for equity and honesty, which are not babies. Why should these two kinds of merchants have a monopoly of the robbery of Sabbath schools and the manufacture of embezzlers?

Men talk about compromise efforts to stop common labor and ordinary traffic on Sunday, while tolerating amusement venders, as "practical Sabbath reform."

Nothing is so impracticable as injustice. The reason why many Sabbath laws are not enforced is that both officers and people feel that some of the things they permit have no better right in the Rest Day than those they forbid. The man who sells useless or harmful things may use the Sabbath for traffic, but those who return customers something of value for their money must close up and take the leavings of the Saturday night's wages. Such a statute is not law but lawlessness.

The only "practicable" law for protecting the Rest Day is one that impartially forbids all work for gain, except what public conscience and common sense recognize as clearly works of necessity and mercy.

The reasons for prohibiting Sunday amusements will appear more clearly as we apply them to concrete cases.

#### THE SUNDAY OPENING OF MUSEUMS

is coming up anew in connection with the World's Fair of 1892, whose policy on this matter will probably be decided long in advance. Already saloon organs insist that it must have Sunday openings or they will "not support it." The workmen of England have treated this question with rare wisdom. Their opposition to Sunday opening was voiced by a two-thirds vote of the House of Commons the last time the issue was raised. A much larger percentage than that of the workmen—namely, nine-tenths, 501,705 to 45,782—have petitioned against this so-called boon, which cockneys seek to thrust upon them. Why? Not for religious reasons chiefly, but because these workmen, with one day in the week to think, see that if they require or permit men to work on the Rest Day in museums that they may be amused, they cannot justly oppose the opening of theatres to gratify others who want more pepper in their amusement—something more exciting than a stuffed monkey and a cold statue. And those workmen see, further, that if the theatre can use the Rest Day for money making, the factory cannot be equitably refused the same opportunity. This is

not mere prophecy on their part. These workmen have seen the wedge, whose thin edge is the Sunday opening of the museum and the Sunday concert, driven home on the Continent. How slowly news crosses the Atlantic! In Prussia, 57 per cent. of the establishments engaged in manufacture, and 77 per cent. of those engaged in trade and transportation continue their business on the so-called "holiday Sunday"—keeping over two-fifths of all the wage earners of that country at their toil on the average Sunday. Those who require others to work the mails, and trains, and saloons, and printing presses, that they may be amused, will find that their own turn to work comes ere long. So says continental Europe. So says the "Wild West."

The only safe principle for either the individual or the State to adopt with regard to the Rest Day is: Every one must get his rest in a way that will not destroy the rest of others. Let the motto be: Rest and let rest on the Rest Day. Quiet walks, chats with books and people, home fellowships—these most restful forms of quiet recreation, furnishing the needed contrast to the excitements both of weekday business and weekday pleasures, have in them none of "man's inhumanity to man," as do those Sunday amusements that are provided by robbing those who furnish them of their right to rest and their rights of conscience.

#### SUNDAY CONCERTS

are, in three respects, more objectionable than Sunday museums; first, in that they are so often associated with drinking; second, in that they are usually violations of law; third, in that they add hypocrisy to criminality by pretending to be "sacred." Experience shows the wisdom and necessity of forbidding any Sunday entertainment that charges an admittance fee, however "sacred" it may pretend to be.

#### BUT WHY FORBID SUNDAY BASE BALL?

Even if it did not infringe upon the right of those living in the neighborhood to a quiet day; if it did not open

ons and promote gambling; if it not turn loose into suburban communities herds of hoodlums that terrorize the streets like Texas cattle; if it not lead boys to disobedience and idleness and immorality; if it were as bad as the most respectable theatre, it would be necessary to forbid it because gamblers are also paid actors engaged in the business of selling amusement and cannot equitably be permitted to be day unless all others who believe Sabbath was made for—*money*, are given an equal chance to fill their pockets at the cost of the general rest. There are amateur ball clubs as there are amateur theatricals, but the law cannot enter into these particulars. It cannot open the door to all public amusements or close the door to all. It cannot allow Sunday base ball and forbid racing except by a legislative act against equity. Even if the result is that lie back of the laws against Sunday base ball were not so clear, it is not to be enough to keep every good man from these games that they are really crimes, as there are few States in which Sunday base ball is not forbidden by law.

#### AS TO SUNDAY EXCURSIONS.

Whatever arguments may be offered against them, surely it ought to be argued against them for any law abiding man that they too are violations of law. If the laws are unwise, let them be repealed, but meantime it is anarchy to tolerate the breaking of laws that we approve.

Is there ground to urge the repeal of whatever laws interfere with the Sunday excursion? Do such laws promote or prevent rest and health and order? Let us see. The talk about "shipping God in nature" is the very hypocrisy. Better far, "squarely and boldly sinning" than such sneak-

serve that no one defends Sunday excursions for the people who reside in the country or in small towns and cities. For instance, Richmond, Va., from any of which it has been found that a

person can in fifteen minutes' walk into the country. No one defends these excursions for the well to do people in large cities, who can often go into the country on week days; nor for those living near the parks, that bring the country into the city. The only people for whom the argument is seriously pressed is "the miserably poor in the slums of great cities." But why are they in the slums? There is "honest poverty," but there is not enough honest pauperism to count. The slums are as much of an affliction to their occupants, in most cases, as a pig pen is to a pig. Otherwise why do men pay as much for a single dirty room in lower New York as it would cost to hire a tidy tenement of three rooms near the Park; as much as it would cost to hire a little farm a few hours away in Connecticut? Reformers are continually embarrassed in their city work, because when a man in the slums becomes reformed and begins to earn a living he *moves up town*. The question is, whether it is better to send the slums out of the city one day per week, rags, rum and all, to make a slum of every quiet village in the suburbs, or whether we shall help men out of the slums altogether? This would be accomplished far more frequently than it is, if the many editors and the few preachers, and the Christians, not a few, who multiply the difficulties of the reformers by defending the Sunday excursion, which is their chief obstacle, would devote the same energy to cultivating in the masses a feeling of loyalty to law. This energy also might be used to better purpose in multiplying city parks, such as New York has voted to put as breathing places all through its slums, and in securing the Saturday half holiday, which cuts down work in the best Sabbath keeping States in the excursion season to five days and a half per week, while the States that neglect the Sabbath keep many of their wage earners at work for the whole seven days.

The argument that men might drink a little less on a Sunday excursion than in the Sunday saloons, that one



way of sinning is better than another, can be used to defend all crimes except the worst. If a Sunday excursion is better than a Sunday saloon, the saloon itself is better than the brothel. Of three evils, choose none and defend none.

"It is not often that Christian people welcome on a Sabbath day a cloudy sky and threatening rain. Yet, while regretting the influence of such a sky on the attendance upon the services of Christian churches, the decent people of suburban towns cannot refrain from saying to themselves and sometimes aloud to their families: 'Now we shall have a quiet, restful day.' For the clouds and chilling winds prevent the incursions of the Sabbath breakers of the cities. The townsmen are not compelled to guard their flower and vegetable gardens, their fruit trees and blooming shrubs from fierce thieves who answer words of warning with showers of stones."

It is too much forgotten that the poor cannot generally afford to go away on excursions every Sabbath. Those who contribute to the "Fresh Air Fund" for free excursions, it is noticeable, show out of what day they learned benevolence by not sending out their beneficiaries on the Sabbath. Women and children are usually as free to go on weekdays as on the Sabbath, and as to fathers, the whole holidays, and half holidays, and the days between jobs, and the days they are on strikes, afford most of them as many opportunities to take their families into the country as they can afford to use. How shallow the excuse, "The people have no other day to go!" New York State made Saturday afternoon a legal holiday and in the excursion months it was very generally observed by the closing of business. The released toilers then had "another day to go," a "day for humanity," besides the "day for religion." But instead of humanely refraining from Sunday trains in the interest of the railroad men, as many went on Sunday excursions as before. Not one Sunday train was taken off, nor was a new church added be-

cause the excuse for Sunday work and pleasuring was removed.

There does not remain to the lawless Sunday excursion even the defense that it is restful. I sent out, some years since, to merchants and manufacturers this question: "In your observation of clerks, mechanics and other employees, which class are in the best physical and mental condition for the renewal of business on Monday mornings, those who are church goers, or those who spend the Sabbath in picnics and other pleasures?" Every man of affairs knows what the answer must have been—a chorus of testimonies that those who had spent the Sabbath in "pleasure exertions" were not on hand at all on Monday mornings, but used the "blue Monday," and sometimes a tired Tuesday also, to get over the exhaustion of their Sunday excitements and dissipations, while those who had spent the Sabbath quietly were on hand in normal vigor to begin the week's work on time.

As a matter of fact, whatever may be said of "Sunday excursions *per se*," the real Sunday excursion is bad and tends to worse and worst. Refinement as well as religion taboos them. In California, where they have grown to ripeness and beyond, even the Sunday newspapers join in the general protest that has compelled some railroads to suspend them as nuisances. Think of a hoodlum picnic from San Francisco, after having terrorized a beautiful suburb all day, returning on Sunday night on a train, with *the lights turned out!* That, as one has said, is "the respectable Sunday excursion gone to seed."

If there were in these excursions neither weariness nor dissipation for the passengers, it would be sufficient objection that this pleasure travel breaks up the Home Day for millions in the families of railroad men.

Do you answer that the engineer may have his Rest Day on Monday? Well, let us see what you are giving him. His wife is busy with her washing. It is her "busy day"—a day when it is good for a woman to be alone. His young children are at school, and his

sons and daughters in the factory, his fellow-engineers on their end. Such solitude is worse than work. What is it for which you give this as a substitute—a general Rest when his wife, and children and dogs can give him that chief element still—congenial fellowship? Monday, day and Wednesday together would be an equivalent for the God-given of which you have robbed both his rest and conscience. Even when your employer has refused to give you either Saturday half holiday or early closing you are not justified in making rests on fellow toilers by destroying rest for mere pleasure.

In a certain walled city the professional men, the mechanics, the merchants, the hucksters, the carriers and amusement venders were divided their occupations into six guilds, residing in a different district, and a separate gate. There came an antagonist against the city, and with his battering ram broke down, one after the other, the six gates that protected these guilds and all they held dear, and let in this hungry horde of followers upon it. "Which things are an allegory." The city wall is the Sabbath, which protects these six groups in that which is their dearest treasure they possess, their weekly rest. The giant that breaks down all these gates is the Sunday newspaper. He breaks down the gate that protects the Sabbath rest of the professional man by requiring Sunday work of the editor; he breaks down the gate that protects the Sabbath rest of the mechanic by requiring Sunday work of the printer; he breaks down the gate that protects the Sabbath rest of the merchant by requiring Sunday work of the newsdealer; he breaks down the gate that protects the Sabbath rest of the hucksters, by requiring Sunday work of the newsboy; he breaks down the gate that protects the Sabbath rest of the carrier by requiring Sunday work of the men in the mail service and on the streets. He breaks down the gate that protects the Sabbath rest of the amusement venders by sending out the Sunday

newspapers on the plea of amusement, thus opening the way for dime museums and theatres to claim the same right. There is not a single form of labor or business, nor a single form of public amusement, which a man can consistently condemn who either publishes or patronizes Sunday newspapers.

In this allegory is the conclusive answer to the shallow excuse that "the Monday paper requires most of the Sunday work." There need not be any Sunday work done on a Monday paper, and in some cases there is none. There are twenty-four hours outside of the Sabbath in which to make it up if no Sunday paper is issued. It is as if I gave a tailor a day's work to do for me between Saturday morning and Monday morning. If he uses the Sabbath instead of Saturday it is his fault, but if I require that same amount of work daily seven days in the week it is partly mine. As a matter of fact, the editorial staff and the printer do usually perform more or less of Sunday work on the Monday paper, *but this work of making up a paper, done by a few persons in the early hours of the Sabbath, is as nothing to the work of the hundred times as many who distribute a metropolitan paper after it is made up—the newsdealers, newsboys, post office employees, expressmen and railroad men who handle the paper all day long.* These have no Sunday work to do on "the Monday paper." The number of persons who do Sunday work in distributing a Sunday paper is, in some cases, a thousand times as great as the number that do Sunday work in making up its Monday edition.

The Sunday newspaper, then, from the standpoint of the civil Sabbath, is chiefly objectionable in that it involves and sanctions almost every form of Sabbath work, manufacture, trade and transportation. Mr. A. H. Seigfreid, of the *Chicago News*, an experienced journalist, says in view of this fact, "The Sunday newspaper has done more than any and all things else for Sunday secularization."

Dr. Herrick Johnson has characterized the Sunday paper as like the sheet

of Peter's vision in that it is "a great sheet, full of beasts and creeping things and fowls"—especially fowls: but unlike Peter's in that it is *not* "let down from Heaven" and in that God never "cleansed" it. But this description would apply also to many weekday issues of the daily press, and would not apply altogether to some of the Sunday papers. Dr. Janeway, of New York, speaking of the adulterations of liquor, said to me, "The worst thing that is ever put in liquors is the alcohol." The worst thing about a Sunday newspaper is that it is a Sunday newspaper, that sends its compositors to bed, and its distributors to work, and its readers into weekday ruts of thought, when they all should be left free for rest and fellowship and culture of conscience. The State that tolerates the Sunday work and Sunday amusement involved in a Sunday newspaper cannot consistently forbid any other form of Sunday work or Sunday amusement.

Let those who think to take the curse out of their Sunday paper by either not buying it or not reading it until Monday, reflect that a day's delay does not lessen the guilt of receiving stolen goods.

To all its previous load of sins against divine laws, and crimes against civil laws, the Sunday newspaper is now adding a conspiracy against conscientiousness.

Its publishers have been wont to shift the blame for their Sunday issue by saying, "The public demand it." If that were so, the public would hardly need to be awakened an hour earlier than on other days, and in streets never visited by newsboys on other days, by the loud "demand" of the paper for customers. Not content with this, the papers are advertising for half the week, in half-page advertisements, the attractions reserved with devilish cunning, for the Sunday edition. They tell the boys and girls of households that admit only weekday editions, in those editions, of the great rewards they offer to those who will sacrifice conscientiousness and buy the Sunday edition. They tempt *preachers to violate conscience by re-*

fusing, in many cases, to insert pulpit notices except on the Sabbath. They tempt the business man to violate his conscientious convictions in that they refuse those who take only weekday papers the news of Saturday, and, in many cases, charge those as much who take only the other papers of the week as those who take the Sunday issue also. Worst of all, in some cases, in the West, they insist on delivering the paper on Sunday to those who request that only weekday issues shall be delivered to them, refusing to allow any subscriber any rights of conscience in this matter.

Whether the opposers of Sunday newspapers are right or wrong in their views, conscientiousness is too valuable to society to be thus crushed out.

Intelligence and conscientiousness are necessities of life to republics. Neither of these two necessities of life can be preserved except by preserving the Sabbath. Any conspiracy to destroy conscientiousness is a conspiracy against the Republic. Not only our politics, but our commerce also, must have conscientiousness. Neither Australian ballots nor bell punches can take the place of it. We cannot get along with machine-made honesty alone, either in the State or the street.

The Sunday paper which the New York *Herald* inflicted on London this year and which was resisted chiefly as an entering wedge for Sunday labor, reported a sermon as on the text, "*Pilot*, what is truth?" The truth is that a Sunday paper is never a good *pilot*. The man who keeps his mind unchangeably on gossip and politics seven days per week is almost sure to be wrecked physically, mentally and morally.

You say, "But it has come to stay." This profound argument, so often quoted as if it were a decision of the Supreme Court, has become so familiar that we must needs dramatise it.

#### WHAT IF IT HAS COME TO STAY?

Enter Fanatic followed by the tribe of Rahab, who cry to him, "Why do you try to destroy our vice? Don't you see we have come to stay? Our tribe is

than Joshua. The practical thing you to do is to tone down our language a little, if you can,—to receive us, in any case, into your homes among sons and daughters, for we have come to stay." Rev. Mr. Faithless, from the back of the platform, cries sadly, "O Fanatic, I am very sorry to say that I believe they *have* come to stay." To which the Fanatic replies, "NOT AT YOUR HOUSE."

It has the Sunday paper come to you? Why should any one think so of this institution as recent as the war? We have seen institutions that had behind them more persons, more money, more political influence, more sincerity of conviction, and a thousand fold more of every way before the march of ideas. Religion is centuries older than Sunday newspapers, but who believes it has come to you? Its death struggle is already on. It has no staying qualities in the Sunday press. My own belief is that Sunday advertising, which is the mainstay of the Sunday newspapers, is a craze, like roller skating rinks, that has not come to stay," but has got to go. The first merchants in the land, John A. Amaker and Marshall Field, get on without Sunday advertising, and many who are less wise will some day learn that the days to advertise are the days when no readers can buy what is advertised.

It is absurd to suppose that, with the loss of blanket pages of gossip to the public, and other members of the family taking their turn, the advertisements in the Sunday papers are so carelessly read as to be generally remembered the next day. When our Christian business men come to realize how they are losing their money as well as kill their conscience for good by opening their business on Sunday in newspaper columns—might as well be at their stores—the Sunday newspaper will lose its mainstay and give its employees and the public a

lesson with the advertisers in Sunday papers. Their owners, as I know, are in many cases uneasy in conscience, and as they are very largely in the churches ought to become more so rather

than less, and will, if pastors are faithful. Let some newspaper proprietor make the Saturday paper the special number of the week, both for reading matter and advertising, and prove the uselessness of a Sunday issue.

Equity should be used as a watchword for the enactment, improvement and enforcement of our Sabbath laws. In the general suspension of Sunday work and business there are three notorious exceptions. Let those who are in the habit of laying all the wounds of the Sabbath upon the "foreigner" remember that while he runs the saloon, the American keeps a yet larger number in Sunday slavery by his Sunday trains and Sunday newspapers. The saloons, the trains and the newspapers are allowed to carry on their business secretly or publicly in the interests of their rich proprietors while the little shops of the poor are closed. A few Sabbaths since in New York, when all the rich florists were selling flowers without interference, contrary to law, a burly policeman arrested an Italian who was selling five cent button hole bouquets, and doubtless made him and all his friends anarchists. If such discrimination is made in the law itself the legislature perpetrates a crime against equity. Such law is violation of law and cannot long be enforced. The only law that can be justified in theory or maintained in practice is a law which impartially forbids, in rich or poor, all forms of Sunday work that are not works of mercy or necessity.

To those who say it would make a "blue Sunday" to stop all Sunday papers, Sunday excursions, Sunday mails, and to close up tobacconists and confectioners as well as saloons, the absolutely conclusive answer is, "Toronto." There the Sabbath is a day of quiet rest in which not the roaring train and the secret saloon, but the happy home and the cheerful church, are central. Were Toronto's laws forced on its people by some iron ruler? Are they struggling for "personal liberty"? Nay, there is not even a visible minority that want our Sunday slavery. In

our country two millions are held in the Egyptian bondage of Sabbathless toil under the lash of Greed and Lust, who cry as they ply the whip, "The few must sacrifice their Sunday rest for the comfort of the many." That "comfort" is severely disturbed by conscience, which points the Sunday excursionist not only to his sin against God,

but also to his crime against the men who are needlessly kept from rest and home and culture of conscience that he may be amused. And so, not only from Toronto, but from within, comes the confirmation of that profound Bible saying that in order to make the Sabbath "a *delight*" we must "turn away from *pleasure*."

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**THE SUNDAY SALOON.**

**R. S. MACARTHUR:** "There are great questions now before the American people; they are the suppression of the liquor traffic, and the preservation of the Lord's Day. These questions are really one. Destroy the saloon, and you do much to preserve the Sabbath. Preserve the Sabbath fully and ripple the saloon greatly."

**N. T. V. POWDERLY, Master Work-of the Knights of Labor:** "I believe in Sunday rest. So do the Knights of Labor. Disconnect me from all amusements, consider me as an American citizen, and I have to say, speaking for myself, that I have fault to find with saloons. When the saloon is open on Sunday some workingmen's homes are closed. The dry goods man closes his place, but on the door of the saloon he has its curtain down and the front entrance shut you will find a legend inviting you to the door that is open. The dry goods man is compelled to close on Sunday the saloon ought to be closed. I believe that in five years there will shine on a country whose streets are closed on Sunday. If I had my way the saloons would be closed the next Sunday.

What have the saloons ever done for humanity? How many souls have they saved? How many people have they benefited, except the saloon keeper's soul? When men have a strike the saloon keeper often contributes more than the dry goods man, but he robs them of more. I never knew one of them to give a cent that he did not get a dollar in return. Why shouldn't saloons close on Sunday? I know of no one who needs a rest on Sunday more than the saloon keeper for thinking about their souls. The saloon will not do it voluntarily, let us force them to do so. I would advise you to keep up this agitation. Don't let meetings stop. If any of you are pastors or counselors, use your influence to secure Sunday closing. If any

one having the power to make the laws or to enforce them refuses to aid you, select some one who will."—*From report in Chicago News.*

*Boston Post (Democratic), Editorial Correspondence, March 26, 1889:* "Much has been said and written about the innocent and wholesome custom of beer drinking as pursued in some public hall or garden by whole families, the children included. But apart from the moral and physical benefits to be derived from swallowing immense draughts of lager, the circumstances under which it is done on a Sunday are not pleasing. The following is an account of a typical beer garden:

'It was as hot as a furnace, garishly decorated and lighted, and filled to overflowing with a motley crowd. Little tables, with four seats at each table, were arranged as closely together as they could be. Every seat was occupied, and a fringe of humanity stood up around the walls. There were perhaps 400 men and boys and fifty women in the place. Clouds of smoke from 400 cigars, cigarettes and pipes made the hot air stifling. The rattle of beer glasses on the tables could be heard above the clamor of voices and the waiters crying for beer at the bar. At one end of the room was a sort of stage, and at one side of it a piano of cracked and uncertain tone, on which a young man thumped out at intervals faintly recognizable waltz tunes. Whenever he seemed to get tired a short-haired young woman, dressed in black, with hectic cheeks, sang variety songs. But neither to the tinted young woman nor to the piano of antique tone did the company pay the slightest attention, but called steadily for beer. A stream of people went in and out of this resort, and the policeman on the corner leaned on a lamppost and looked at the stars.'

Better than this, from every point of view, is the most ultra-Puritan Sunday."

Denver *News* (Democratic): "Nearly all lines of business take a rest on Sunday, and there is no reason why a traffic that is always harmful, and trebly so on that day, should be an exception. There will be no let up in the fight until the dives and saloons are all compelled to respect the law and the Sabbath day."

Chicago *Tribune* (Republican): "The American people will not submit to a nullification of their laws. Saloon keepers must obey them the same as any other class of people. This has nothing to do with prohibition. It is purely a question of the supremacy of the law. It is the same question that was settled in our Haymarket."

*The Voice*, New York (Protection): "'Blue laws'—you may call them, gentlemen; but blue, black, or green, they are the laws, and if Gambrinus proposes to defy them, it is high time he had his treasonable neck in a noose."

New York *Sun* (Democratic): "It is indisputable that the opening of the saloon on the first day of the week would be the 'entering wedge' for the destruction of Sunday as it has been observed so long in both this country and England. With the saloon legally open it would not be many years before the theatres also would be open, and by the beginning of the next century Sunday in New York would be as it is now in Paris. Every place would be opened. Shopkeepers would not be able to resist the temptations offered by the holiday and the crowds of pleasure seekers on the streets, while the churches might suffer from the increased secular competition, for already the majority of the people of New York are irresponsive to their appeal. That such an innovation would deprive great numbers of laborers of their one day of rest in the seven cannot be disputed. If our Sunday becomes like the Sunday of France and Germany, of course it will be a day of labor to something like the same extent it now is in those countries.

Here, as there, many thousands of people will work the week through, their greed or their poverty preventing them from taking a day of rest."

MANLY TELLO, Editor of *Catholic Universe* (at Ohio Sabbath Convention, Dec. 17, '89): "It would be an abuse of toleration should the followers of Christ permit the followers of Bacchus to force them to the wall by the opening of saloons on Sunday. We Catholics are with you for the whole term of the war for a legal protection of the Day. If Christian men thought less of their political gods, and more of humanity, there would be a joint Catholic and non-Catholic Christian lobby at the Capital that no legislator would dare disregard in the interest of the Sunday saloon. For the sake of noble, suffering womanhood let the saloons be closed at least on Sunday, that the homes may rejoice."

FATHER C. A. WALWORTH, of Albany: "It is hard for me to comprehend that large class of men who, although they love law and order, yet have so long been willing to vote for the friends of drunkenness and disorder, who venerate the 'Lord's Day,' and yet have no votes to defend it. It is a deep mystery, this moral apathy, which will allow so many respectable and religious men in your city of New York to send here to Albany year after year, the same representatives whose only acknowledged constituency is the 'liquor ring.' I trust that this thing has now come to an end. The Personal Liberty party (God be thanked for their folly), have now forced us into a position where we must either renounce all hope of law and order, and prove traitors to our faith in God, or else crush these slaves of the liquor traffic beneath our ballots. We must now either yield up the great day of Christian worship to the demands of lawless greed, or vote down the men who would by their votes destroy it. The motto of all true men at this critical time should be 'The Lord's Day—it must and shall be preserved.'"

## SUNDAY CLOSING OF SALOONS.

DRESS BY REV. WILBUR F. CRAFTS  
TABOR OPERA HOUSE, DENVER,  
JUNE 23, 1889.

Magnificent Colorado is "the crest of the continent," and Denver is the crown of the crest. No other of the great States of America is walled with such high mountains, or located in such a healthy atmosphere. It is as if, a mile from New York, a great city had been in a hundred anchored balloons, where the people could go for mountain air, not at great cost, but at great gain, to get strength and health at once. Your homes, public buildings and business establishments and auditoriums are not surpassed by any other city of equal size. It is better, your people, a majority of them, are refined and law-abiding, and of them aggressively good. These are my thoughts as I was driven about the streets on Friday. If I had been traveling with grown sons, seeking them a settlement, I would have said "Seek no further." But I went down your streets again this Sabbath morning, and if I had been seeking such rewards for sons, I should have said no, "We must seek further or else we get little for Denver to root up these weeds of its wild-west oats—these Sunday saloons that openly defy the laws of the State, and lead others to ruin by times in other open shops all about town."

Why should any one want a reward on any day in Colorado? Its atmosphere is white wine, quickening the movements of both heart and mind. Surely nature needs no whip in this climate.

It seems incredible that any one can find the Sabbath in such a State as Colorado where the first sight that meets the eye as he goes forth at morn is of snow-robed mountains standing like sentinels at the gate of Heaven and looking forthward through the gate of God, in benediction. Every Colorado citizen should put the mountains into his heart at thanksgiving. A young woman on the cars through Central New York said to a fellow passenger, point-

ing out of the window: "I suppose that is what you call a hill?" "Yes, did you never see a hill before?" "Never, except in pictures." "Where did you come from?" "From Kankakee in the prairies, and I thought it was about time I was getting out to see something."

The best soil for raising men is in the hills and mountains. In such soil grew the Waldenses, the Swiss, the Scotch, the Welsh.

In God's book of nature Colorado is a glorious psalm and sin in such a place is sacrilege. Not one little spot, but the whole State is the Garden of God. Alas, that there should be such weeds left in it as Sunday saloons. When these are removed through the present uprising of good citizens, and when the saloons are also rooted out of all the other days of the week, Colorado will be the crest of the Continent indeed, and Denver its untarnished crown. (Applause.)

In the presence of this magnificent audience, which compliments Denver by its wholesale sacrifice of Sabbath afternoon naps for this meeting in the interest of reform, I wish to submit three reasons that I sometimes give, in speaking to Chambers of Commerce, why merchants and manufacturers, as such, should take a part in closing the Sunday saloons.

First, let us note a reason why the *merchant*, as such, should lend a hand. The recent Sabbath Congress in Paris, advised that payday should be changed from Saturday to the early part of the week. This would help both the Sabbath and the Saturday half-holiday. Since only those who wish Sunday drunks or the profits of them oppose this proposal, is it strange that it makes so little headway? At present nearly all employees are paid Saturday night, and there is more money in the pockets of the people when Sabbath morning dawns than on any other morning. This money the merchants want. They will race hard for it. But the law says,



"Halt for the Rest Day, and all start together Monday morning." A great majority of the merchants obey orders, for the law's sake, or for conscience sake, or for their employees' sake, or for their own sake, or for all these reasons. The liquor dealers, however break out of the line, and get a whole day's start in this race for the Saturday night's wages, take the cream and the very milk itself, leaving to honest merchants, who make "a fair exchange," only the dregs of debt. Surely merchants who are timid about taking up moral reforms should take up Sunday closing as a matter of business, and stop the depredations of the Sunday saloons as they would suppress a horde of burglars. (Applause.)

The Sunday saloon robs not only the honest merchant of his share of the Saturday nights' wages, but also the *manufacturer* of his right to sober workingmen on Monday and Tuesday. In Exeter Hall, London, June 14th, 1875, Mr. B. Whitworth, M. P., said that in a business concern with which he was connected, which employed about 7,000 men, work had to be given up altogether on Mondays because so many of the men were detained by Sunday sprees, thus causing the company a loss of \$175,000 per year. Surely Chambers of Commerce cannot afford to ignore such a foe to business.

Let it not be thought that England monopolizes this state of things. At Trenton, New Jersey, I was told that the work in the potteries was greatly hindered not only on Monday but on Tuesday also by the Sunday liquor selling, and this same condition of things in Louisiana led its French Catholic planters, in commercial self defense, to their new policy of Sunday closing. The community must choose between the Sunday closing of saloons and the Monday closing of factories.

The third of these purely commercial reasons for Sunday closing of saloons, one that has a vital relation to the whole business community, I have already hinted at—the fact that *both the quantity and the quality of new set-*

*ters in a Western city is affected by the moral status of the city.* Many a New England father is wiser than Lot, who pitched his tent at Sodom, and so laid up, with riches which he could not keep, sorrow and shame that he could not escape. The famous "Committee of 500" that is fighting the Sunday saloon in Cincinnati have put on their banner, "For the *material* and moral interests of our city." The Sunday saloons, by eighteen years of unrestrained anarchy, educated a mob that not only burned the Court House but destroyed millions of prospective property by driving hundreds of residents away and keeping thousands from coming. By the law of like to like, the city that by lawlessness invites the lawless and drives others away, makes it harder every year to recover itself.

Your Denver Real Estate Exchange was unusually sagacious when on March 11th last it adopted the following preambles and resolution:

"Whereas, an agitation now exists for the closing of saloons on Sunday; and

Whereas, in our opinion such a result would add to the already good name of the city, aid our wage earners in saving money and thereby conduce to their buying homes and more family comforts, lessening our criminal dockets and hence our taxes, and redound to the benefit of our city; therefore, be it

*Resolved*, That we heartily approve of the desired object, Sunday closing, and that we urge upon all voters at the pending election to see to it that they vote for only such candidates as will carry out such plan, if elected, and that we will do all we can, as individuals, to aid in this laudable purpose."

Having given the reasons for Sunday closing that appeal especially to Capital, let me now submit one that belongs to Labor. I am told that in a recent "Sunday Rest Meeting" in Chicago, the largest petition presented was from its overworked bartenders, who have toiled early and late for seven days in the week for many years. Their Sunday work leads to work for other salesmen also. Wherever saloons are allowed to

ther by law or custom, on the Rest merchants who have better things as I have shown, feel it necessary the same in order to get their share Saturday night's wages, and so the Rest Day itself is more and more extended wherever an unjust exception is made for any kind of business that is a work of mercy or necessity. This is a violation, wisely and patiently pre-empted to win to Sunday closing drinking men, especially all the to whom the imperilled Rest Day is a precious boon.

A Sunday saloon not only robs many of his Sabbath rest, but also the mechanic of his Monday's wages by obliging his fellow workman on work his own depend. Worst of all, a saloon, by its Sunday fascinations, robs many a laborer who would otherwise escape. There was deep feeling in the remark of a laborer's wife relating to her pastor in regard to the saloon, "I think we could pull through if it weren't for Sunday." It is on us that we allow the American Sabbath to become a dread and a curse to the homes of the poor, to which it is at best as a royal blessing!

One is a fifth reason for Sunday closing which appeals to *every man*—the security of life, property,

The worst foe of all these is the saloon. Liquor selling, bad as it is on a business day is far worse on a general holiday. Liquor and leisure meet but for mischief. It is worst when such a general holiday is in connection with a payday and comes every week. Partial Sunday closing of the kind which was ordered by Parliament for the five chief cities, Dublin, Cork, Waterford, Limerick, &c., excepted, and also "*bona fide* persons," who were defined as persons who had journeyed three miles, which became at once, to a great extent, "a Sabbath day's journey." Even this partial Sunday closing, in towns only, reduced the total for the day 51 per cent.—more than half—in the districts covered by it. In such districts the drunken-

ness was only one-fifth as much as in the five cities excepted, in which last one-sixth of the drunkenness occurred on Sundays, while in the Sunday closing districts it was only one-seventeenth.

Sunday closing in Scotland, with no cities excepted, but only the "travelers," reduced the arrests for the day seven-eighths. Property, purity and life were only one-eighth as much imperilled on that day as before, because liquor selling was partially suspended. The same percentage of reduction in arrests was accomplished in Philadelphia during the first year of strict Sunday closing under the new Brook's law. With Sunday opening of saloons in Cincinnati one-third of the total crime of all days for the year occurred in their Continental Sundays. With Sunday closing even the *Commercial Gazette* admits that the city is as quiet as a country village and the police have nothing to do. \* This is sufficient an-

\* The story of this bravest of battles against the Sunday saloon is told in "Our Day," Boston, for Sept., 1889. For other facts and arguments bearing on Sunday closing consult my "Sabbath for Man." (See "Liquor Selling," in Index). "Occasional Paper," Feb. 1885, page 54-63, of Lord's Day Observance Society, 20 Strand, W. C., London. Monthly Document of American Sabbath Union for June, 1889, 23 Park Row, New York. "A Plea for the Sunday Closing of Public Houses," Workingmen's Lord's-day Rest Association, 13 Bedford Row, London, W. C.

#### THE PURPOSES OF LIQUOR'S "LIBERTY LEAGUES."

The New York State Organization of German-American Societies propounded a series of questions to every candidate for the Legislature, among which were the following:

"Are you in favor of the modification of the present Excise and Sunday laws?"

Are you in favor of the passage of a general law permitting the sale on Sundays of light wines and malt beverages?

Are you in favor of the passage of a law permitting the sale on Sundays of light wines and malt beverages in cities of 10,000 inhabitants or over?

Are you in favor of the passage of a law permitting the sale on Sundays of light wines and malt beverages between the hours of 12 o'clock noon and 12 o'clock midnight, or during any other portion of such day?

Are you in favor of the passage of a law permitting the opening on Sundays to the public of art galleries, museums, and libraries?

Are you in favor of secular music on Sundays in public parks, squares, gardens, or halls?"

Unless answered in the affirmative, the whole of liquor fraternity were to oppose their election.—*National Temperance Advocates Report, 1888.*

The Personal Liberty League of the West, says in its Constitution:

swer to the absurd fallacy of the Seventh day Adventist leaders, that idleness on Sunday, as in prisons, is a promoter of vice. It is only where saloons are open that there is more crime on the Rest Day than on others. Similar reductions of crime, and so of taxation as well as of peril to purity and property and life, have been achieved wherever else Sunday closing has been tried even for a single day. Sabbath laws are therefore consistent with liberty in the same way as other less effective laws for the prevention of crime.

Sunday closing is the law, not only in Ireland, since 1878, and Scotland, since 1854, but also in Wales, since 1886, in the seven Provinces of Canada, and in New Zealand, and in most of the Australian Colonies. In all these places the people cling to it as a blessing. That it ought to prevail in England is the opinion of a majority of its people as attested by petitions of more than five millions in six recent years, by the favorable opinion of four-fifths out of a million householders whose opinions were recently taken, and by a two-thirds vote of the House of Commons on March 24th, 1886.

Sixthly, *prohibitionists* should favor Sunday closing, when presented apart from any compromising license for other days, because it is *one-fourth Prohibition*. In Scotland it cut down the consumption of liquor one-fourth, and so proved itself a quarter loaf of unpoisoned bread, the best sort of an appetizer for the whole loaf in communities where they have never tasted it. It is not enough to tell the people of other States that Maine and Iowa and Kansas have tried prohibition and like it. Some deny this, and the short cut out of the debate is to put a sample of the prohibition loaf into every city for one day in

every week. Even such an imperfect sample as Sunday closing must be with every one at liberty to fill his sideboard, or himself, on Saturday night, will be a logical premise for the conclusion, that if such imperfect closing one day in the week so reduces crime, complete National prohibition would certainly almost banish it. Where a non-partisan charge on the fortifications of the liquor traffic, in a constitutional amendment campaign, has failed of victory, the moral is not to desert non-partisan allies or to give up the fight altogether, but, while mining and sapping for another attack on the citadel in the future, to join the same allies in capturing the outer breastworks and key of the position, the Sabbath.

Sunday closing is not required by Statute law in California, Nevada, Montana and Texas, nor in the Territories of Idaho and Arizona, nor in the District of Columbia. In California, Texas and the District of Columbia, it can be forbidden by city ordinance, and is so forbidden in some instances. Where these city ordinances exist and in all the other States and Territories by statute laws, Sunday liquor selling, except on a physician's written prescription, is a crime. This suggests our "seventhly and lastly,"—a strange statement—namely, that the public officers who have sworn to enforce the State laws, should aid in the enforcement of Sunday closing. How quaintly ancient sounded that saying of President Harrison in his inaugural: "As a citizen may not elect what laws he will obey, neither may the Executive elect which he will enforce!"

At noon to-day I saw a man boldly walk along your streets with a burglar's jimmy in his hand, and feloniously enter a shop, unmolested by a policeman who stood by. The jimmy was a mug. Let every law-abiding man help to make it felt that the man who enters a saloon at a time when he cannot legally enter, is a burglar. He has illegally obtained possession of property. His accomplice inside is a receiver of stolen goods. He is receiving money which he cannot then and there legally receive. The saloon keeper who opens his place either pub-

"The special purpose and object of this league is to prevent, by energetic and organized opposition, any attempt of the SUNDAY and PROHIBITION fanatics to accomplish their ends, which consists in the revival of antiquated laws that are in conflict with the fundamental principles of the republic and the spirit of the times."—*Christian Statesman*, June 15, 1889.

re secretly on the Sabbath and is rested, is an escaped convict, that is a criminal who has escaped punishment. The mayor and police commissioners are perjurers if they do keep their oaths by stopping this sale crime against the law. [Appl.]

sometimes said that the Sunday closing law is a failure. Nay, it is the salesmen who surrender their scepters to the failures. Some mayors will say that he cannot enforce the law. There is one thing a mayor can do—he can resign.

Certain mayors made themselves an undesired reputation for refusing to put the City Hall a foreign flag on a national holiday. That same mayor, by saying that he could not make the officers keep our laws, and advising we should therefore surrender our faith to the saloons, virtually pulled down the American flag.

One said that a new Western governor on his first visit, with his suite, to the State Reform School, attempting to throw the boys out by questions after the method he had often used in Sabbath-schools, said, "Boys, why are we here?" The swift answer was, "To be reformed." No class of public men is reforming more than our executive officers, whose first duty is the enforcement of the laws. Those four

express the chief political issue of the day. We need in our governors, mayors, to borrow a phrase of the Orleans *Picayune*, less jawbone and backbone. "Government is not advice." We need men like Daniel whom the Bible says, "As for Daniel an excellent spirit was in him," which a Sabbath-school boy, knowing better than he knew, read, for this Daniel an excellent *spine* in him." In too many cities, the mayor has moral curvature of the spine. And over again same great city has elected a "reform mayor," only to find a few months a deformed mayor who needs a stronger man is needed for governor or senator—a man with a "backbone like a circus

pole"—such a man as is described in the Scotch psalm:

"Blest is the man in stable trust,  
Like Zion's mount who stands full just;  
And bendeth no whit, nor yet doth reel,  
But standeth forever as *stiff as steel*."

Such was Mayor Nehemiah of Jerusalem, who, single handed, restored the Rest Day to that city, when even the church people had almost ceased to observe it (Neh. xiii., 15-22).

Several mayors, of late, have attempted to prove that the mayor of a great city has no more responsibility for law enforcement than a private citizen. Such mayors should be turned into private citizens at the next election. Whenever rulers are not a terror to evildoers, well-doers should become a terror to them. (Applause.)

But the citizen should not allow a mayor's unfaithfulness to nullify a good law. In a rural church one Sunday, a deacon said to his associate, "I shall not be able to attend Sunday-school today. There is to be a base ball match in our section of the town, and *I'm going*." He went; the base ball match did not come off, and he had the assurance from the parties themselves that they would not attempt it again. Whether there is or is not a Law and Order League in town, every citizen should be a Citizens' Committee of one for the enforcement of law.

Better still that such individuals should unite, as did the twenty-five hundred that formed the victorious Cincinnati Committee, which defeated the mayor and the city majority that elected him to break his oath, because the Committee had something greater even than a city majority behind them, namely, a State majority that had elected a Sabbath law to be enforced.

That Sunday closing laws can be enforced, even in the largest cities, and even when the personal deviltry party have elected their own mayor, has been proved in other instances also.

In every one of our cities where there is not already a Law and Order League, or its equivalent, there is need of one, and every such League, I believe, should

fight not one but all four heads of the hydra that is devouring our youth by gambling, lust, intemperance, and Sabbath breaking. All who are against either of these evils are against them all, and in cities should unite in one organization to assail them on the simple platform of saving the young by enforcing existing laws against this complex dragon.

In the words of Father McDevitt, who sits upon this platform and has often spoken from it in this crusade against Sunday saloons, "it is the will of hell that these places shall remain open; it is the will of the people, yea, of the Most High God that they shall be closed." Let not this "will" of the people be the "will" of the dead that takes a year for execution. If your present officers regard the will of the saloonists more than that of the people, let ballots "execute the freeman's will as lightning does the will of God." (Applause.)

Some of you have heard the good story of the great Bishop Peck, whose three hundred pounds were so out of proportion to his name—the story of his return from a brief residence in San Francisco, before he was elected to the bishopric, Folding his hands over his vast stomach he said, with no thought of levity, "The Pacific slopes greet you." I mention this familiar story about him only to

prepare for a less familiar one. One election day this great man stood for hours in line in order to do his duty as a voter. As he at last began to get near the ballot box a drunken foreigner tried to crowd him back and take his place in the line. He remonstrated in vain. "Well, did he get in?" said a friend, to whom he was telling the story. "No, he got out." "What did you do? Did you strike him?" "No, I just *leaned on him*." So let your heavy men lean on the drunken foreigners of the baser sort who interfere with your political right to a quiet and orderly Sabbath, until they "get out" or take their rightful place.

A king who was beautifying his capital, having a fancy for ornate buildings, ordered the tearing down of a plain stone structure connected with the history of the nation from the beginning. As he stood by to see it demolished, when only a stone or two had been removed, this inscription was uncovered: "These gates, with their country, stand or fall." Astonished, he withdrew his hand, and let the ancient structure stand. In our midst stands the citadel of liberty—the American Sabbath. Let us permit no one to tear out of it a single stone, for "~~THESE GATES, WITH THEIR COUNTRY, STAND OR FALL.~~"

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**OPINION OF JUDGE ALLEN G. THURMAN ON SABBATH LAWS.**

We have no union of Church and State, nor has our Government ever been vested with authority to enforce religious observance simply because it is religious. Of course it is no objection, but, on the contrary, is a high recommendation, to a legislative enactment based on justice or public policy, if found to coincide with the precepts of a pure religion; but the fact is nonetheless true that the power to make laws rests in the legislative control of things temporal, and not over things spiritual. Thus the statute upon which the defendant relies, prohibiting common labor on the Sabbath, cannot stand for a moment as a law of this State if its sole foundation was the Christian duty of keeping that day and its sole motive to enforce the precept of that duty. For no power over things merely spiritual has ever been delegated to the Government, while the preference of one religion over another which the statute would give to the above hypothesis is directly prohibited by the Constitution. Acts, in their nature, or dangerous to the public welfare, may be forbidden and punished, though sanctioned by one religion and prohibited by another; but it creates no preference whatever, for laws would be equally forbidden and punished if all religions permitted them. No plea of his religion could shield a murderer, ravisher or bigamist; for the community would be at the mercy of superstition if such crimes as these could be permitted with impunity by the sanction of some religious doctrine. We are, then, to regard the law under consideration as a mere municipal or police regulation, whose authority is neither strengthened nor weakened by the fact that the day of observance is the Sabbath day. Wisdom requires that men should refrain from labor at least one day in seven, the advantages of having the day thus fixed, and so fixed as to happen

at regularly recurring intervals, are too obvious to be overlooked. It was within the constitutional competency of the General Assembly to require this cessation of labor and to name the day of rest. It did so by the act referred to, and in accordance with the feeling of a majority of the people, the Christian Sabbath was very properly selected. But regarded merely as an exertion of legislative authority, the act would have had neither more nor less validity had any other day been adopted." *Bloom v. Richards*. 2d O. S., 391 and 392. The distinguished jurist also quotes with approbation the following from *Specht v. The Commonwealth*, 3 Barr, 312: "All agree that to the well-being of society periods of rest are absolutely necessary. To be productive of the required advantage these periods must recur at stated intervals, so that the mass of which the community is composed may enjoy a respite from labor at the same time. They may be established by common consent, or, as is conceded, the legislative power of the State may, without impropriety, interfere to fix the time of their stated return and enforce obedience to the direction. When this happens some one day must be selected, and it has been said the round of the week presents none which, being preferred, might not be regarded as favoring some one of the numerous religious sects into which mankind are divided. In a Christian community, where a very large majority of the people celebrate the first day of the week as their chosen period of rest from labor, is it not surprising that that day should have received the legislative sanction; and, as it is also devoted to religious observances, we are prepared to estimate the reason why the statute should speak of it as the Lord's Day, and denominate the infraction of its legalized rest a profanation. Yet this does not change the character of the enactment. It is still, essentially, but a civil regulation."

**SABBATH LAWS DEFENDED BY REV. JOSIAH STRONG, D. D.,  
AUTHOR OF "OUR COUNTRY."**

We observe two Sabbaths, entirely distinct in origin, character and authority; the one civil, the other religious. The latter is divine in its origin and authority, and sacred in character; the former—the civil Sabbath—is wholly human in its origin and authority, and secular in character. Because these two Sabbaths coincide they are very easily and commonly confounded, and there results much popular misconception as to the meaning and value of Sabbath laws.

Sabbath laws prohibit labor on the first day of the week, except works of necessity and mercy, and forbid certain amusements. These two classes of prohibition rest on two different grounds; first the duty of the State to secure to every man the right to rest on the Sabbath, and second, the duty of the State to guard the leisure of the day from uses subversive of its object as a day of rest and dangerous to public morals.

The right of weekly rest is based on its necessity. It has been shown by scientific inquiry pursuing different lines of investigation that the rest of the night does not entirely restore the vigor lost by the toil of the preceding day, and that without a weekly day of rest there is a gradual loss of strength and health. No physiological or hygienic fact is better established. This necessity of rest gives to every man the right to rest, and this right needs the civil law for its protection. Most men are employees engaged in shops and on farms and the like. They are subject to the authority of employers, who can usually discharge them at pleasure. Natural capacity, stimulated by competition, usually leads the employer to get the most possible out of the employee. It has accordingly been found necessary to protect the rights of workmen by legislation which specifies the number of hours which shall constitute a day's work. For the same reason it has been found necessary to protect the laborer's Rest Day by law, otherwise the power to discharge would compel to unwilling

work. Instead of robbing men of their liberties, as we sometimes hear, Sabbath laws are designed to secure to every man liberty to rest.

Sabbath laws do not reduce earnings. If men labored every day in the year they would do no more work than they do now, resting one day in seven. Indeed, they would do even less. But this is not the reason that the law forbids Sabbath work, even when a man prefers to work. Under our civilization the liberty of rest for each is secured only by a law of rest for all.

A man's doing business on the Sabbath does not actually compel his competitors to do likewise, but it does inflict a loss on those who refuse. All together they sell but little more in seven days than they would sell in six, and their profits are less because their expenses are increased. But if some do not sell, those who do draw away a part of their custom and thus inflict loss on them. Of course a man of Christian principle will suffer the loss rather than violate the Sabbath in self defense, but he has a right to call upon the State to protect him from that loss. Hence the principle that was laid down that the rest for each is dependent on a law of rest for all.

Laws prohibiting certain amusements on the Sabbath rest on a religious basis no more than do those forbidding work on that day. The State has exactly the same right to protect itself from immorality as from ignorance. Indeed, its obligation to foster morals is even greater than its duty to diffuse intelligence, for the former is more essential to its existence. A holiday Sabbath seems to be peculiarly conducive to intemperance. Besides the temptation of opportunity, the lack of rest prevents the restoration of vigor, and the jaded frame, summoned to its accustomed burden, and feeling unequal to the load, learns to lean on some stimulus. Again, a holiday Sabbath is destructive of popular morality because it is hostile to religion, which is the root of morals."

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**SABBATH LAWS OF ALABAMA AND ARKANSAS.**

**ALABAMA.**—Criminal Code, § 4045.—  
person, who compels his child, ap-  
ce, or servant to perform any  
r on Sunday, except the custom-  
domestic duties of daily necessity or  
rt, or works of charity, or who en-  
in shooting, **hunting, gaming,**  
laying, or racing on that day; or  
being a merchant or shopkeeper,  
**grist** excepted, **keeps open**  
on that day, must, on the first  
e, be fined not less than \$10,  
ore than **\$20**, and for the second,  
y **subsequent offense**, must  
fined not less than \$20, nor  
than **\$100**, and may also  
**imprisoned** in the county  
r sentenced to hard labor for the  
y, for not more than three  
is; but the provisions of this sec-  
**o not apply** to the running of  
**oads, stages or** steamboats, or  
**ls** navigating the waters of this  
or any manufacturing establish-  
which requires to be kept in con-  
operation. § 4046. Any person,  
pens, or causes to be opened, for  
rpose of selling or trading, any  
market house or place on Sun-  
r opens, or causes to be opened,  
all or shop therein, or connected  
vith, or brings anything for sale  
ter to such market or place, or  
the same for sale therein on that  
r buys or sells therein on that  
including live stock or cattle),  
on conviction, be punished as  
ibed in the preceding section. Any  
where people assemble for the  
se and sale of goods, wares and  
andise, provisions, cattle, or other  
s, is a market house or place,  
the meaning of this section.

**SKA.**—No Sabbath law.

**IONA.**—No Sabbath law.

**ANSAS.**—Criminal Code, § 1883.—  
person who shall, on the Sabbath  
day, be found laboring, or shall  
l his apprentice or servant to

**labor** or to perform other services than  
customary household duties of daily  
necessity, comfort or charity, on con-  
viction thereof shall be fined \$1 for  
each separate offense. § 1884. Every  
apprentice or servant compelled to labor  
on Sunday shall be deemed a separate  
offense of the master. § 1885. The pro-  
visions of this act shall **not apply to**  
steamboats and other **vessels** navigat-  
ing the waters of the State, nor to such  
manufacturing establishments as re-  
quire to be kept in continual operation.

**DECISIONS:** To prevent an inconvenient  
delay in traveling does not make the ex-  
ecution of a note a "work of neces-  
**sity.**" *Burns v. Moore*, 52 Am. Rep.,  
332. Money deposited for safe-keeping,  
action maintainable. *Tamplin v. Still*,  
77 Ala., 374. Keeping "open store" not  
shown by a single sale of liquor because  
of sickness. *Dixon v. State*, 76 Ala., 89.  
Note not delivered, not invalid because  
written and signed Sunday. *Burns v.*  
*Moore*, 76 Ala., 339.

§ 1887.—This section amended 1885,  
Act xxxiii, to read as follows: Every  
person who shall, on Sunday, **keep**  
**open any store** or retail any  
goods, wares and merchandise, or  
keep open any **dram shop** or gro-  
cery, or who shall keep the doors of  
the same so as to afford ingress or  
egress, or retail or sell any spirits or  
wine, shall, on conviction thereof, be  
fined in any sum not less than \$25 nor  
more than **\$100**. [See Decisions below.]

§ 1888.—Charity or necessity on the  
part of the customer may be shown in  
justification of the violation of the last  
preceding section. § 1889.—Every per-  
son who shall, on the Christian Sabbath  
or Sunday, be engaged in the **running**  
**of any single horse** for any bet or  
wager on the speed of such horse, or  
for pastime, or for amusement without  
any bet or wager, or shall be engaged in  
any **cock fight** on any bet or wager  
for pastime, without bet or wager, shall,



on conviction thereof, be fined in any sum not exceeding **\$100** nor less than **\$20**.—Rev. Stat., Chap. 44, Div. 7, Art. 2. § 1890.—Every person who shall on the Christian Sabbath or Sunday, be engaged in any game of brag, bluff, poker, seven-up, three-up, twenty-one, vingtun, thirteen cards, the odd trick, forty-five, whist, or at any other **game at cards** known by any name now known to the laws, or with any other new name, for any bet or wager on such games, or for amusement, without any bet or wager, shall, on conviction thereof, be fined in any sum not less than **\$25** nor more than **\$50**.—Act Jan. 12, 1853. § 1891.—If any person shall be found **hunting** with a gun, with intent to kill game or shooting for amusement on the Sabbath day, on conviction thereof, he shall be fined in any sum not less than **\$5** nor more than **\$25** for each separate offense. —Act Jan. 19, 1855. § 1892.—If such offenses should be committed by a **minor** under the age of twenty-one years, and it shall be made to appear that the offense was committed by or with the consent or approbation of the parent or guardian of said minor, then such parent or guardian as aforesaid shall also be fined according to the provisions of section 1891.—Ib., Sec. 2. § 1893.—If any person shall be engaged in running a **horse race** on the day known as the Christian Sabbath or Sunday, on a bet or wager, or for sport or pastime, with or without such bet or wager, he shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined in any sum not less than **\$25** nor more than **\$100**.—Act Nov. 5, 1875, Sec. 4.

Session Laws, 1885. Act xxxix. AN ACT TO PREVENT SABBATH-BREAKING.—Sec. 1. That, hereafter, it shall be unlawful for any club, person or persons to engage in any game or play of **base-ball** in this State on the Christian Sabbath or Sunday. Sec. 2. That all persons violating the preceding section shall be guilty of a misdemeanor and

upon conviction thereof, shall be fined in any sum not less than **\$10** nor more than **\$20** in each case.

Session Laws, 1887, Act xi. TO AMEND THE LAW RELATIVE TO SABBATH-BREAKING.—§ 1. That no person who from religious belief **keeps any other day** than the first day of the week as the Sabbath shall be required to observe the first day of the week, usually called the Christian Sabbath, or shall be liable to the penalties enacted against Sabbath-breaking :

**Provided, That no store or saloon shall be kept open** or business carried on therein on the Christian Sabbath; and, provided, further, that no person so observing any other day shall **disturb any religious congregation** by his avocations or employments. § 2. All laws and parts of laws in conflict herewith are hereby repealed and this act shall be in force from and after its passage.

DECISIONS.—Offense of **keeping open** store door may be committed by leaving only partly open, or intentionally **unlocked**, or by opening it to admit one who **knocks**. *Seelig v. State*, 43 Ark., 96. Poverty not the **necessity** that legalizes work on the Sabbath. 20 Ark., 289. Horse hired for pleasure trip, **damages** recoverable, 31 Ark., 518. The Circuit Court of U. S., "isolated private **contracts**, made by parties outside of their ordinary calling, not invalidated," quoting Supreme Court of Tenn. (2 Yerg., 31), 21 Fed. Rep. 299. Contract made for the sale of land will bind if demands purchase money on weekdays. *McKinney v. Demby*, 44 Ark., 74.

CALIFORNIA.—No Sabbath law. Sunday mentioned only as a holiday and classed with Fourth of July. Sabbath law declared unconstitutional in 1858, 9 Cal., 502. (Answered in *Am. Law R.*, Sept.—Oct., 1884, p. 783.) Decision reversed, 1861, 18 Cal., 678. Law repealed, 1882.

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**SABBATH LAWS OF COLORADO, CONNECTICUT AND DELAWARE.**

**COLORADO.**—General Statutes, § 2113.

**SEC. 18.** This chapter shall extend to and include all **theatres**, circuses and **shows**, where an **admission fee** is charged for entrance thereto. No person shall be allowed by virtue of any such license to open any place of public amusement, such as a theatre, circus or show, on the Sabbath or Lord's Day; but any person who shall so offend on such day shall be fined in a sum not less than \$50 nor more than \$100, for every such offense. § 1635 (18), p. 585, G. L.—§ 18, p. 426, R. S.

**Criminal Code.**—§ 876. § 188 (159). Any person who shall hereafter knowingly disturb the peace and good order of society, by **labor or amusement**, on the first day of the week, commonly called Sunday (works of necessity and charity excepted), shall be fined, on conviction thereof, in any sum not exceeding \$50. § 155, p. 230, R. S.—§ 159, p. 305, G. L.—Same as § 144, R. S. Ills., 1855, except penalty.

§ 877, § 189 (160). Whoever shall be guilty of any noise, rout or amusement on the first day of the week, called Sunday, whereby the peace of any **private family** may be **disturbed**, or who shall, by disorderly or immoral conduct, interrupt or **disturb** the meeting, processions or ceremonies of any **religious** denomination, on either a **Sunday or week day**, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$50. § 145, R. S. Ills., 1845—§ 118, p. 315, Acts 1861—§ 156, p. 230, R. S., amended by § 1, p. 100, Acts 1874—§ 160, p. 305, G. L.

**CONNECTICUT.**—General Statutes, SEC. 1570. Every person who shall be **present at any concert** of music, dancing, or other **public diversion** on Sunday, or on the evening thereof, shall be **fined \$4**. § 1572. No person who conscientiously believes that the **seventh day** of the week ought to

be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be liable to prosecution for performing secular business and labor on the Sabbath, provided he **disturbs no other** person while attending public worship. § 3097. Every person who by himself, his servant, or his agent, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night next following, shall sell or expose for sale any spirituous or intoxicating **liquors**, or shall **keep open** any place of any kind or description in which spirituous and intoxicating liquors are at any time sold or exposed for sale, or are reputed to be sold or exposed for sale, or in which any **sports or games of chance** are at any time carried on or allowed, or are reputed to be so carried on or allowed, shall be fined not less than \$50 nor more than \$100, or be imprisoned not more than six months, or both; but this section shall not apply to sales under a **druggist's** license. § 3523. No **railroad** company shall run any train on any road operated by it within this State, between **sunrise and sunset** on Sunday, except from necessity or mercy; provided, that before **ten o'clock and thirty minutes** in the forenoon and after **three o'clock** in the afternoon it may run trains carrying the United States **mail**, and such other trains or classes of trains as may be authorized by the Railroad Commissioners of this State, on application made to them on the ground that the same are required by the public **necessity**, or for the preservation of freight. § 3524. No **railroad** company shall permit the **handling**, the loading, or the unloading of **freight** on any road operated by it, or at any of its depots or stations within this State, between sunrise and sunset on Sunday, except from necessity or mercy. [Amended 1889, Chap. xxiii, by adding:] Provided, however, that the Railroad Commissioners

of this State may suspend the operation of this section, so as to permit the handling, the loading, or the unloading of freight by transfer of said **freight between steamboats and cars, until eight o'clock** in the forenoon, at any depot or station where, upon application made to them, they shall find that the same is required by the public necessity or for the preservation of freight. § 3525. Every railroad company which shall violate any of the provisions of the two preceding sections shall **forfeit** to the State the sum of **\$250** for any such violation. § 3526. No railroad company shall transport **passengers**, on Sunday, upon any train deemed necessary according to the intent of § 3523, for **less than the highest regular fare** collected on week days, and no commutation, special bargain, or season or mileage ticket shall include or provide for any travel on said day, under penalty of a forfeiture to the State of **\$50** for each violation of this provision. § 3527. The provisions of the four preceding sections shall not effect statutes which prohibit secular work or recreation on Sunday, except so far as they may be found in their operation to be **inconsistent** with them.

Session Laws, 1889, Ch. CXXX. No person who receives a valuable consideration for a **contract**, express or implied, made on Sunday, shall defend any action upon such contract on the ground that it was so made, until he restores such consideration.

DELAWARE.—Ch. 131, Sec. 4.—If any person shall perform any wordly employment, **labor, or business**, on the Sabbath day, (works of necessity and charity excepted), he shall be **finéd \$4**, and on failure to pay such fine and costs, shall be imprisoned not exceeding twenty-four hours. If any carrier, peddler, wagoner, or driver of any public stage or carriage, or any carter, butcher or drover, with his horse, pack, wagon, stage, carriage, cart or drove, shall **travel or drive** upon the Sabbath day; or if any retailer of goods shall **expose** the same to

**sale** on the Sabbath, he shall be **finéd \$8**, and on failure to pay such fine and costs shall be imprisoned not exceeding twenty-four hours. Any justice of the peace may stop any such person so traveling on the Sabbath, and detain him until the next day. If any person shall be guilty of **fishing, fowling, horse-racing, cock-fighting, or hunting** game on the Sabbath day, he shall be **finéd \$4**, and on failure to pay such fine and costs shall be imprisoned as aforesaid. If any number of persons shall assemble to **game, play or dance** on the Sabbath day, and shall engage or assist in such game, play or dance, every such person shall be **finéd \$4**, and on failure to pay such fine and costs shall be imprisoned as aforesaid. Any justice of the peace of the county shall have jurisdiction and cognizance of the offences mentioned in this section. § 13. If any person shall sell intoxicating **liquors** by any measure whatever on the Lord's Day, commonly called Sunday, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall for such offence be **finéd \$20** besides costs. The term "Lord's Day" or "Sunday," as used in this Act, shall be construed to embrace the space of time included between the hour of **twelve o'clock of the night** preceding, and the hour of **twelve o'clock** of the night succeeding the day commonly called Sunday. § 14. It shall be unlawful for any person licensed to sell liquor as herein provided, to sell, give away or dispense of any liquor on the Lord's Day, commonly called Sunday;

\* \* \* \* \*

and whosoever shall do so, shall be guilty of a misdemeanor, and upon conviction thereof, shall **forfeit** and pay a fine of not less than **\$50**, nor more than **\$100**, and in case of a **second conviction** of such misdemeanor, he shall forfeit his license, and shall not be capable of receiving a license for the space of two years thereafter.

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**SABBATH LAWS OF FLORIDA, GEORGIA, ILLINOIS, INDIANA.**

**DISTRICT OF COLUMBIA.**—No Sabbath law. Proposed law, see No. 3, this "Library."

**FLORIDA.**—Sec. 9.—It shall not be lawful for any person to follow any pursuit, business or trade on the Sabbath, the first day of the week, either by manual **labor**, or with animal or mechanical power, except the same be work of "necessity," or justified by the accident or circumstances of the occasion. § 10. No merchant or shopkeeper or other person shall **keep open store**, or dispose of any wares, merchandise, goods or chattels on the Sabbath day, or sell or barter the same: Provided, That in cases of **emergency or necessity** they may dispose of the **comforts and necessaries** of life to customers without keeping open doors. § 11. Any violation of this law shall be deemed a misdemeanor, and any person convicted thereof shall be subject to a fine of not less than \$20 and not more than \$50. § 12. If any person on the Sabbath day shall employ his apprentice or servant in labor or other business, except it be in the ordinary household business of daily necessity, or other work of necessity or charity, he shall forfeit and pay the sum of \$10 for every such offense. § 13. No merchant or shopkeeper or other person shall keep open store or dispose of any wares, merchandise, goods or chattels on the Sabbath day, or sell or barter the same, upon pain that every person so offending shall forfeit and pay the sum of \$20 for every such offence. § 14. It shall not be lawful for any person or persons within the State of Florida, to use firearms by hunting game or firing at targets upon Sunday; and any violation of this section shall be deemed a misdemeanor, and the person or persons so offending shall, upon conviction thereof before any justice of the peace, be punished by a fine of not less than \$5

nor more than **\$25, or imprisonment** not exceeding twenty days.

**GEORGIA.**—Sec. 3614, (3537), (3554). Sundays and holidays shall in no case be included in the **computation of the time** within which an appeal shall be entered (except that holidays are included in the computation in cases of appeals from Justices' Courts).

[DECISIONS. — When Sunday not counted: 12 Ga., 93. Not so as to Sunday in the thirty days which bills of exceptions to be certified and signed by the Judge: 14 Ga., 122. Sunday not counted in the five days Sheriff allowed for serving writs: 23 Ga., 49. Advertisement of tax-sale in **Sunday paper** illegal, and sale thereunder passes no title, *Sawyer v. Corgile*, 72 Ga., 290. If draft, accepted and delivered on Sunday, but dated day before, comes to hands of one who does not know the fact, he can enforce it. *Harrison v. Powers*, 76 Ga., 218.]

§ 3274, (3207), (3196). **Attachments** may issue and be levied on Sunday when the plaintiff, his agent, or attorney at law shall swear, in addition to the oath prescribed by this Code, that he has reason to apprehend the loss of the debt, unless process of attachment do issue on Sunday, and shall also comply with the other provisions of this Code in relation to issuing attachments. § 4535, (4461), (4420). Any person who shall be guilty of **open lewdness**, or any notorious act of public indecency tending to debauch the morals, or of **keeping open tippling houses** on the Sabbath day or Sabbath night, shall, on conviction, be punished as prescribed in section 4310 of this Code.) [See below.]

[DECISIONS.—Sufficient indictment for **keeping open** the doors of a **tippling house** on the Sabbath; proof: Ga., 18. Jury are to decide whether the house was a tippling house, and kept open on Sunday: 19 Ga., 426. Plea of former conviction in the City Court of Atlanta

against the same charge in the Superior Court: 53 Ga., 448. Where part of a tippling house used as a bedroom, yet the door must be kept closed on Sunday: 65 Ga., 568. House where the "Albany Glee Club" met and drank on Sunday; held a tippling house: 63 Ga., 319. Chief Justice Jackson, in deciding what constituted the opening of a liquor shop on Sunday, said (60 Ga., 54): "The door on the street, through the bar and office room into the restaurant, was kept open to the extent that any visitor had only to push it and go in, and tipple in the restaurant. The counter where on other days drinking could be done, was covered by canvas from the ceiling to the floor, so as to be invisible itself, and to conceal the bottles on shelves behind, and on it in brazen letters was the announcement 'bar closed,' and all the drinking was carried on in the rear and restaurant room. This fact, that the ostrich thus hid his head in the sand, and thereby imagined that his body was all covered too, is absolutely assigned as the legal reason why he was not visible to the keen eye of the law, which penetrates and despises all subterfuge and deceit! But one witness, though the canvas tried to hide the bird's head, actually did see poked out through a sort of aperture or window, the bill or beak which let out the liquor from the bar to servants in the restaurant. So that the foolish bird did not even keep all his head hid all the time! It makes no difference in law whether the place be called a barroom or a glee club resort, or a parlor, or a restaurant, if it be a place where liquor is retailed and tippled on the Sabbath day, with a door to get into it, so kept that anybody can push it open, and go in and drink, the proprietor of it is guilty of keeping open a tippling house on Sunday."—*Alb. Law J.*, Oct. 18, 1884.] § 4578, (4492), 4450. If any **freight train** shall be run on any railroad in this State on the Sabbath day (known as Sunday), the superintendent of transportation of such railroad company, or the officer having charge of the business of that department of the railroad, shall be

liable for indictment for a misdemeanor in each county through which such train shall pass, and, on conviction, shall be for each offense (punished as prescribed in section 4310 of this Code.) On such trial it shall not be necessary to allege or prove the names of any of the employees engaged on such train, but the simple fact of the train being run. The defendant may justify himself by proof that such employees acted in direct violation of the orders and rules of the defendant: provided always, that whenever any train on any railroad in this State, having in such train one or more cars loaded with **live stock**, which train shall be **delayed** beyond schedule time, shall not be required to lay over on the line of road or route during Sunday, but may run on to the point where, by due course of shipment or consignment, the next stock-pen on the route may be, where said animals may be fed and watered, according to the facilities usually afforded for such transportation. And it shall be lawful for **all freight trains** on the different railroads in this State, **running** over said roads on **Saturday night**, to run through to destination: provided, the time of arrival, according to the schedule by which the train or trains started on the trip, shall not be later than **eight o'clock on Sunday morning**. § 4579, (4493), (4451). Any tradesman, artificer, workman or laborer, or other person whatever, who shall pursue their **business or work** of their ordinary callings upon the Lord's Day (works of necessity or charity only excepted), shall be guilty of a misdemeanor, and, on conviction, shall be (punished as prescribed in section 4310 of this Code.) § 4580. Any person or persons who shall **hunt** any kind of game with gun or dogs, or both, on the Sabbath day, shall be guilty of a misdemeanor, and, on conviction, shall be (punished as prescribed in section 4310 of this Code.) § 4581, (4494). Any person who shall **bathe** in any stream or pond of water on the Sabbath day, **in view of any road** or passway, **leading to** or from any house of religious **worship** shall be considered guilty

of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding **\$500, or imprisonment** in the common jail of the county, at the discretion of the court, not exceeding six months. § 4582, (4495), 4452. All moneys arising from **fines** imposed for offenses, the gist of which consist in their being committed on the Sabbath day, shall be paid to the Ordinary of the county, to be by him distributed for the purpose of establishing and **promoting Sabbath-schools** in the county.

§ 4810. Accessories after the fact, except where it is otherwise ordered in this Code, shall be punished by a fine not to exceed **\$1,000, imprisonment** not to exceed six months, to work in the chain gang on the public works, \* \* \* not to exceed twelve months, and any one or more of these punishments may be ordered at the discretion of the Judge.

ILLINOIS.—Criminal Code, Ch. 38, § 259. —Whoever **keeps open any tippling house**, or place where liquor is sold or given away, upon the first day of the week, commonly called Sunday, shall be fined not exceeding **\$200**. § 260. Sunday shall include the time from **midnight to midnight**. § 261. Whoever **disturbs** the peace and good order of society by labor (works of necessity and charity excepted), or by any amusement or diversion on Sunday, shall be fined not exceeding **\$25**. This section shall not be construed to prevent **watermen** and **railroad** companies from landing their passengers, or watermen from loading and unloading their cargoes, or **ferry**men from carrying over the water travelers and persons **moving** their families on the first day of the week nor to prevent the due exercise of the rights of conscience by whomever thinks proper to **keep any other day** as a Sabbath. § 262. Whoever shall be guilty of any **noise**, rout or amusement on the first day of the week, called Sunday, whereby the peace of the private family may be disturbed, shall be fined not exceeding **\$25**. (R. S., 1845, p. 177, 146.) Ch. 108, § 31. Facilities for attending religious services regu-

larly on Sundays shall be afforded each **convict**, so far as the same can be done judiciously, and upon no pretext shall a convict on contract be required to labor on Sunday, nor shall any convict be required to do other than necessary labor for the State on that day. (2d L., 1887, p. 31, 28.)

DECISIONS.—Contracts permitted as "labor" and not "business" is prohibited, 107 Ill., 429. A judicial sentence delivered after midnight of Sat., void, 3 Gilm., 368. Publishing legal notice which stands in place of a service of process, illegal, 40 Ill., 146. (Contra Wis.) Entering into recognizance by which prisoner was released on bail, illegal. Entering into recognizance not such a judicial act as to render its execution void either at common law or under statute. 31 Ill., 469.

IDAHO.—No Sabbath law, Sunday only named as legal holiday and classed with Fourth of July as in California.

INDIANA.—§ 2659. No person shall be **arrested** in any place of worship during service or on Sunday, except in cases specified by law, nor on the Fourth of July. § 920. An order of **attachment** may be issued and executed on Sunday, if the plaintiff will show in his affidavit that the defendant is about to abscond on that day, to the injury of the plaintiff. (163.)

CRIMINAL CODE.—§ 2000. Whoever, being **over fourteen years** of age, is found on the first day of the week, commonly called Sunday, **rioting, hunting, fishing, quarreling**, at common **labor**, or engaged in his **usual avocation** (works of charity and necessity only excepted), shall be fined in any sum not more than **\$10** nor less than **\$1**; but nothing herein contained shall be construed to affect such as conscientiously observe the **seventh day** of the week as the Sabbath, **travelers, families removing**, keepers of toll-bridges and **toll-gates**, and **ferry**men, acting as such. § 1594. Prosecutions for the desecration of the Sabbath day must be commenced within **six months** after the commission of the offense. § 884

An **execution** may be issued and executed on Sunday, whenever an affidavit shall be filed by the plaintiff, or some person in his behalf, stating that he will lose his judgment, as he has reason to fear and believe, unless process issue on that day. (417.) § 788. Every execution shall be returned forthwith, upon being satisfied by the collection of the money; also, upon order of the plaintiff of his agent indorsed thereon. When the return-day of an execution falls on Sunday, it shall be returned on the following Monday. (486.)

**DECISIONS.**—That **injury** for which a brakeman sues company employing him was received on Sunday does not preclude recovery although unlawful to labor, Louisville, New Albany, etc., Ry. Co. v. Frawley, 110 Ind., 18. Cutting of wheat "dead ripe," or marketing "dead ripe" melons, which would have been injured if left till Monday, **necessity**, 67 Ind., 595; 59 Ind., 416. Hauling feed for pigs per., 67 Ind., 588. As law authorizes manufacture of beer, lawful to turn barley on Sunday, as otherwise it would spoil, 33 Ind., 416. Sheriff's notice of sale in **Sunday paper** not valid notice, 87 Ind., 153. (Cf. Ill. and Wis.) Insurance policy issued and premium **note** taken by agent on Sunday, but both dated ahead, void, 37 Ind., 279. See also Am. Rep. 26:84; 30:197; 35:205. Repairing R. R. switch, **necessity**, 79 Ind., 393.]

§ 1129.—Any writ or **process** authorized by this Article may be issued and served, in cases of emergency, on Sunday. (735.)

(Criminal Code.) § 2098.—Whoever shall sell, barter or give away to be drunk as a beverage, any spirituous, vinous, malt or other intoxicating **liquor** upon Sunday, the fourth day of July, the first day of January, the twenty-fifth day of December (commonly called Christmas day), Thanksgiving day as designated by proclamation of the Governor of this State, or the President of the United States, or any legal holiday, or upon the day of any election in the township, town or city where the same may be holden, or

between the hours of eleven o'clock M. and five o'clock A. M., shall be in any sum not more than \$50 nor less than \$10, to which may be added **prisonment** in the county jail more than sixty days nor less than ten days.

§ 1454.—**Process** may be issued on Sunday, whenever it shall appear by affidavit that the object of such process would probably be defeated by delay.

§ 1715.—No **recognizance**, undertaking, or bond taken in any criminal proceeding shall be void for want of form or of substance, or for omission of any recital or condition, or because the same was entered into on Sunday, shall the principal or surety be discharged, but the principal and surety shall be bound by such recognizance, undertaking, or bond to the full extent contemplated by the law requiring the same, and the sureties to the amount specified in such recognizance, undertaking, or bond. And no action to set aside such recognizance, undertaking or bond shall be defeated for any want of form or substance, or for the omission of any recital or condition, or because the same was entered into on Sunday, etc.

[**DECISION.**—A recognizance executed on Sunday, all the prior proceedings having occurred on the same day, is good, State v. Douglass, 69 Ind., 55.]

§ 1280.—The **time** within which an act is to be done, as herein provided, shall be **computed** by excluding the first day and including the last. If the last day be Sunday, it shall be excepted. (787.)

Session Laws, 1885, Ch. xxxvi. It shall be unlawful for any persons to engage in playing any game of **baseball** where any fee is charged, or where any reward or prize, or any article of value is depending upon the result of such game on the first day of the week, commonly called Sunday, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$25.

**INDIAN TERRITORY.**—Several of the Indian tribes have good Sabbath laws.

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SABBATH LAWS, IOWA, KANSAS, LOUISIANA, KENTUCKY.

IOWA. — § 191. — No **court** can be opened, nor any judicial business transacted on Sunday, except: 1. To give instructions to a jury then deliberating on their verdict. 2. To receive a verdict, or discharge a jury. 3. To exercise the powers of a single magistrate in a criminal proceeding. 4. And such other acts as are provided by law.

[DECISION.—In order to avoid a judgment, regular on its face, on the ground that it was rendered after midnight on Saturday, the evidence should establish beyond the doubt naturally arising from the difficulty of determining the precise time of a particular transaction, that it was thus rendered. *Bishop v. Carter, et al., Iowa, 165.*]

§ 2607.—Notice shall not be served on Sunday, unless the plaintiff, his agent or attorney, make oath there that personal **service** will not be possible unless then made, and notice indorsed with such affidavit shall be served by the sheriff, or may be served by another, as on a secular day. § 2952.—Where the petition states, in addition to the other facts required, that the plaintiff will lose his claim unless the **attachment** issues and is served on Sunday, it may be issued and served on that day. § 3028. An **execution** may be issued and executed on Sunday, whenever an affidavit shall be filed by the plaintiff or some person in his behalf, stating that he believes he will lose his judgment unless process issue on that day. § 3227. If the plaintiff allege in his petition that he will lose his property unless **process** issue on Sunday, the order may be issued and served on that day. § 3424. The **warrant** may be issued on Sunday, if the plaintiff, his agent or attorney, shall state in his petition and swear thereto, that it would be unsafe to delay proceedings till Monday. § 4072. If any person be found on the first day of the week, commonly called Sabbath, engaged in riot, **fighting**, or offering to

fight, or **hunting**, shooting, carrying fire arms, **fishing**, **horse racing**, **dancing**, or in any manner **disturbing** any worshiping assembly or private family; or in **buying or selling** property of any kind, or in any **labor**, the work of necessity and charity only excepted, every person so offending shall, on conviction, be fined in a sum not more than \$5, nor less than \$1, to be recovered before any justice of the peace in the county where such offense is committed, and shall be committed to the jail of said county until said fine, together with the costs of prosecution shall be paid; but nothing herein contained shall be construed to extend to those who conscientiously observe the **seventh day** of the week as the Sabbath, or so prevent persons **traveling**, or families **emigrating** from pursuing their journey, or keepers of toll bridges, **toll gates**, and **ferry men** from attending the same.

DECISIONS.—The courts of this State will not enforce an express or implied **contract** for the sale of property made on the Sabbath day, where parties thereto do not come within the exceptions expressed in section 4072 of the code. *Pike v. King*, 16 Iowa, 49; *Sayre v. Wheeler*, 32 *Id.*, 559; *Sayre v. Wheeler*, 31 *Id.*, 112; *Clough v. Gogins*, 46 *Id.*, 325. And the same rules applies to a contract made in another State, in the absence of evidence that the contract was valid under the laws of the State where made. *Sayre v. Wheeler*, 31 *Id.*, 559. A contract made in violation of a statute and against the policy of the State, *malum in se* or *malum prohibitum* is invalid, and cannot be enforced by action. *Id.* A contract void because made on Sunday, does not prevent the parties from making a valid contract with reference to the same subject matter on a subsequent week day; nor, it would seem, from otherwise ratifying the original contract. *Haw-*



risson v. Colton, 32 *Id.*, 16. A note signed on Sunday, but delivered on Monday, may be valid, *Bell v. Mahin*, 69 Iowa, 408. Where a promissory note is void because executed on Sunday, the payee is precluded from recovering upon the original contract which was the consideration for the note. *Sayre v. Wheeler*, 31 *Id.*, 112. A written contract for the conveyance of land made on Sunday, but bearing the date of another day of the week, when transferred, will be enforced in the hands of the transferee in good faith and without notice of the infirmity. *Jones v. Bailey et al.*, 45 *Id.*, 241. A contract for an exchange of horses made on Saturday which included the discharge of debt due from one of the parties to the other, but the plaintiff took possession of the horse he traded for on Sunday. *Held*, that there was such a consummation of the contract on Saturday as rendered it valid. *Peake v. Conlan*, 43 *Id.*, 297. In an action for **damages** for injuries sustained by the plaintiff as the result of the frightening of his horse on the highway by the defendant's dogs, it was held, that the plaintiff's right to recover was not affected by the fact that the accident occurred on Sunday while he was riding on a business errand. *Schmidt v. Humphrey*, 43 *Id.*, 652. A promissory note actually made on Sunday, but dated on a week day, is valid in the hands of a *bona fide* purchaser for value before maturity. *The Clinton National Bank v. Graves et al.*, 48 *Id.*, 228. An admission that a debt is unpaid, contained in a letter written on Sunday, is sufficient to remove the bar of the statute of limitations, and the letter is admissible as evidence for that purpose. *Ayres v. Bane*, 39 *Id.*, 518. A railroad company incurs no other liability for running trains on Sunday than the fine provided by this section. The liability for killing stock by a train run on that day is to be determined by the same rules as if done on a secular day. *Gingle v. The C. B. & Q. R'y Co.*, 60 *Id.*, 333.

KANSAS.—§ 722. The **time** within which an act is to be done, shall be

**computed** by excluding the first day and including the last; if the last day is Sunday, it shall be excluded.

Session Laws, 1886. Chap. CII. Every person who shall engage in **hunting** or shooting on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and upon conviction be fined in not less than \$5, nor more than \$50.

Ch. 31. (2116) § 255. Every person shall either **labor** himself, or employ an apprentice, servant or any other person under his charge or control, to labor and perform any work other than the labor of the household offices of daily necessity, or works of necessity or charity, on the first day of the week commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding \$25. [DECISIONS: Kas. 5, 29.—296 663.]—(2117) § 256. The last section shall not extend to any person who is a member of a religious society, by the observance of **any other than the first day of the week** is observed as a Sabbath, so that he observes such Sabbath, and prohibit a **ferryman** from carrying passengers on any day in the week. (2118) § 257. Every person who shall be convicted of **horse racing**, **fighting** or playing at cards, or gaming of any kind, on the first day of the week commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding \$50. (2119) Every person who shall **expose for sale** any goods, wares or merchandise, or shall **keep open** any ale house, grocery or **tippling shop**, shall sell or retail any fermented or distilled liquor, on the first day of the week commonly called Sunday, shall, upon conviction, be adjudged guilty of a misdemeanor, and fined not exceeding \$25. (2120) § 259. Exceptions. The last section shall not be construed to prohibit the sale of any **drugs** or medicinal **provisions or other articles of immediate necessity**.

KENTUCKY.—Ch. 21, § 9. If an act is directed by law to be done, or any act is directed to be done

particular day of a month, if that day happen to be Sunday, the proceeding shall take place, or the act shall be done, on the next day. Ch. 100, § 12. No **process** or notice on which any legal proceedings are to be founded, except as herein provided, shall be executed on Sunday, the execution of either on that day shall be void. But a writ of habeas corpus, or process on a charge of treason, felony, or for a riot or breach of the peace, or upon an escape out of custody, may be executed on Sunday. Ch. 29, § 10. No **work or business** shall be done on the Sabbath day except the ordinary household offices, or other work of necessity or charity. If any person on the Sabbath day shall himself be found at his own or any other trade or calling, or shall employ his apprentices, or other person, in labor or other business, whether the same be for profit or amusement, unless such as is permitted above, he shall be fined not less than \$2 nor more than \$50, for each offense. Every person or apprentice so employed shall be deemed a separate offense. Persons who are members of a religious society, who **observe** as a Sabbath any other day in the week than Sunday, shall not be liable to the penalty prescribed in this section, if they observe as a Sabbath one day in each seven, herein provided.

It shall be unlawful for any tavern keeper (whether licensed by the State or by authority of the county court or trustees or other authority of city or town), or for any saloon keeper, or any other dealer in spirituous, vinous or malt **liquors**, to have **open** a bar room or other place for the sale of such liquors, or in any way to sell, give, or otherwise dispose of spirituous, vinous or malt liquors on Sunday. The keeping open of a bar or store, or any other place, for the sale of such liquors, or the selling or otherwise disposing of such liquors on Sunday, shall be deemed a violation of the statute, and shall upon conviction, subject the offender to the pains and penalties prescribed therein, and shall, moreover, for the **third offense, forfeit his license**, whether State, city, county court or town license.

Ch. 29, § 11. If any person shall **hunt** game with a gun or dogs on the Sabbath, he shall be fined not less than \$5, nor more than \$50 for each offense.

Ch. 47, § 21. That no **game** shall be permitted to be played on such [billiard and pool] tables on the Sabbath day, under the penalty of an absolute **forfeiture of the license**.

Ch. 92, § 21. No spirituous liquors shall be kept or sold in any room where a **billiard**, pigeon hole, or pool table is kept, nor shall any game be played on such table on Sunday. Upon conviction for a violation of either of the provisions of this section, the offender shall be fined \$60 for each offense, the license shall be forfeited, and no license shall thereafter be granted to the person or persons so offending.

Ch. 91. Art. II. That the provisions of the General Statutes regarding the observance of Sunday shall **not apply to street railway** companies.

Act of 1880. Prosecutions for profane swearing, cursing or being drunk, or Sabbath breaking, and against surveyors of public roads, shall be commenced within **six months** after the offense is committed, and not after.

DECISIONS.—The running by a **rail-road** company of passengers or freight trains is a work of **necessity**.—Commonwealth v. L. & N. R. R. Company, 80 Ky., 197. **Contracts** made upon Sunday should be held an exception, in some sense, from the general class of contracts which are void for illegality. That they have grown out of a transaction upon Sunday is not sufficient to avoid them: they must be finally closed upon that day, and although then closed, yet, if affirmed upon a subsequent day, they become valid. Campbell v. Young, 9 Bush, 240.

LOUISIANA.—Acts of 1886. No. 18, § 1. That from and after the 31st day of December, A. D. 1886, all stores, shops, saloons, and all places of public business which are or may be licensed under the law of the State of Louisiana, or under any parochial or municipal law or ordi-

nance, and all plantation stores, are hereby required to be **closed at twelve o'clock on Saturday nights**, and to remain closed continuously for twenty-four (24) hours, during which period of time it shall be lawful for the proprietors thereof to give, trade, barter, exchange or sell any of the stock or any article of merchandise kept in any such establishment. § 2. That whosoever shall violate the provisions of this act, for each offense shall be deemed guilty of a misdemeanor, and on trial and conviction, shall pay a fine of not less than \$25, nor more than \$250, or be imprisoned for not less than ten days nor more than thirty days, or both, at the discretion of the court. Provisions of this act shall **not apply to newsdealers, keepers of soda fountains, places of resort for recreation and health, watering places and public parks, nor prevent the sale of ice.** § 3. That the provisions of this act shall not apply to **newspaper offices, printing offices, book stores, drug stores, apothecary shops, undertaker shops, public and private markets, bakeries, dairies, livery stables, railroads whether steam or horse, hotels, boarding houses, steamboats and other vessels, warehouses for receiving and forwarding freights, restaurants, telegraph offices and theatres, or any place of amusement, providing no intoxicating liquors are sold on the premises; provided, that stores may be opened for the purpose of selling anything necessary in sickness and for burial purposes; provided, that nothing in this act shall be construed so as to allow hotels or boarding houses to sell or dispose of alcoholic liquors, except wine for table use on Sundays; and provided, further, that no alcoholic, vinous or malt liquors shall be given, traded or bartered or sold or delivered in any public place on said day, except when actually administered or prescribed by a practicing physician in the discharge of his professional duties**

in case of sickness; in such case the physicians administering the intoxicating liquors may charge therefor. § 4. That all laws or parts of laws contrary to or inconsistent with the provisions hereof, be and the same are hereby repealed.

DECISIONS.—Shreveport made law to close places of business on Sundays at 9 A. M., except drug stores, hotels, barber shops, restaurants, livery stables, and places of those who keep Saturday. A man fined \$10 under this law appealed to the highest courts, and the following decision was given: "Before the Constitution Jews and Gentiles are equal; by the law they must be treated alike, and the ordinance which gives to one sect a privilege which it denies to another, violates both the Constitution and the law, and is, therefore, both null and void." 26 La. Ann., 871. (Contra, Cal., Iowa, Mass., Mo., N. Y., N. C., Ohio, Penn., S. C.) An ordinance regulating the conduct of citizens on Sunday is only sustainable under the Constitution as a police regulation. (*Minden v. Silverstein*, 36 La. Ann., 912.) La. Acts, 1886, No. 18, known as the Sunday law, and which requires the closing of all places of business, except certain designated classes, from midnight of Saturday to midnight of Sunday, is a valid exercise of the police power, and is not within the inhibition of the fourteenth amendment to the Federal Constitution, nor of the provision of the State Constitution which guarantees the protection of property and of the laws. "The statute is to be judged precisely as if it had selected for the day of rest any day of the week other than Sunday, and its validity is not to be questioned because, in the exercise of a wise discretion, it has chosen that day which the majority of the inhabitants of the State, under the sanction of their religious faith, already observe as a day of rest." (*State v. Orleans Judge*, 39 La. Ann., 132.) The Act aforesaid requires all "stores, shops, groceries, saloons," etc., to be closed, but declares that its provisions shall not apply to "public markets." Held, that a grocery in a public market may not be kept open. [*Fenner, J., dissenting.*] (*State v. Fernandez*, 39 La. Ann., 538.)

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**INE.**—§ 27. Sunday is a close time, rich it is **not lawful to hunt**, or destroy game or birds of any under the penalties imposed there-uring other close times; but the ties already imposed for violation : Sunday laws are not repealed or ished. § 81. No person shall serve ecute any **process** on the Lord's but such service is void, and the n executing it is liable in damages e party aggrieved, as if he had no ss. § 115. No deed, **contract**, re- or other instrument in writing is because dated on the Lord's Day, out other proof than the date of its ag been made and delivered on that § 116. No person who receives a ble consideration for a **contract**, ass or implied, made on the Lord's shall defend any action upon such ract on the ground that it was made he restores such consideration. Whoever, on the Lord's Day, or at other time, behaves rudely or inatly within the walls of any house ublic worship, wilfully interrupts or **urbs** any assembly for religious hip within the place of such assem- or out of it; **sells**, or exposes for within one mile thereof, and during ime of their meeting, intoxicating **iors**, refreshments or merchandise, pt in his usual course and place of ness; exhibits any show or play; ges or aids in any horse race, bling or other **sport**, to the disturb- : of such assembly; or, coming in their neighborhood, refuses, on est, either immediately and peace- to retire beyond their hearing, or to 'orm to their established regulations, l be punished by **imprisonment** not more than thirty days, and by not exceedings **\$10**. § 20. Who-, on the Lord's Day, keeps **open** his p, workhouse, warehouse or place of iness, **travels**, or does any work, **or or business** on that day, ex- : works of necessity or charity; uses

any **sport**, game or recreation; or is present at any dancing, public diversion, show or entertainment, encouraging the same, shall be punished by fine not ex-ceeding ten dollars. § 21. If an **inn-holder** or victualer, on the Lord's Day, suffer any persons, except travel-ers, strangers or lodgers, to abide in his house, yard or field, drinking or spend-ing their time idly, at play or doing any secular business, except works of charity or necessity, he shall be punished by fine not exceeding **\$4** for each person thus suffered to abide; and if, after con-viction, he is **again guilty**, by fine not exceeding **\$10** for each offense; and upon a **third conviction**, he shall also be incapable of holding any **li-cense**; and every person so abiding shall be fined not exceeding **\$4** for each offense. § 22. The Lord's Day includes the time between **twelve o'clock** on Saturday night and **twelve o'clock** on Sunday night.

**DECISION.**—Statute which provides that no person shall defend action on contract upon ground that it was made on the Lord's Day, until he restores con-sideration received for contract, applies to action in which defendant is sued for sum which he promised to pay as differ-ence of value between horses exchanged by the parties, defendant not having offered to restore the horse obtained from plaintiff, *Wentworth v. Woodside*, 79 Me., 156.

**MARYLAND.**—§ 247. No person what-soever shall work or do any bodily **labor** on the Lord's Day, commonly called Sunday; and no person having children or servants shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's Day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's Day by **gaming, fishing, fowling, hunting** or unlawful **pastime** or recreation; and every

person transgressing this section, and being thereof convicted before a justice of the peace, shall forfeit **\$5**, to be applied to the use of the county. § 248. No person in this State shall **sell**, dispose of, barter, or if a dealer in any one or more of the articles of merchandise in this section mentioned, shall give away on the Sabbath day, commonly called Sunday, any tobacco, cigars, candy, soda or mineral waters, spirituous or fermented liquors, cordials, lager beer, wine, cider or any other goods, wares or merchandise whatsoever; and any person violating any one of the provisions of this section shall be liable to indictment in any court in this State having criminal jurisdiction, and upon conviction thereof, shall be fined a sum not less than **\$20** nor more than **\$50**, in the discretion of the court, for the first offense, and if **convicted a second time** for a violation of of this section, the person or persons, so offending shall be fined a sum not less than **\$50** nor more than **\$500**, and be imprisoned for not less than ten nor more than thirty days, in the discretion of the court, and his, her or their **license**, if any were issued, shall be declared null and **void** by the judge of said court; and it shall not be lawful for such person or persons to obtain another license for the period of **twelve months** from the time of such conviction, nor shall a license be obtained by any other person or persons to carry on said business on the premises or elsewhere, if the person, so as aforesaid convicted, has any interest whatever therein, or shall derive any profit whatever therefrom; and in case of being **convicted more than twice** for a violation of this section, such person or persons on each occasion shall be **imprisoned** for not less than thirty nor more than sixty days, and **fined** a sum not less than **double** that imposed on such person or persons on the last preceding conviction; and his, her or their license, if any were issued, shall be declared null and void by the court, and **no** new **license** shall be issued to such person or persons for a

period of **two years** from the time of such conviction, nor to any one else to carry on said business wherein he or she is in anywise interested, as before provided for the second violation of the provisions of this section. One half of all the fines to be imposed under this section shall be paid to the State, and the other **half to the informer**. This section is not to apply to **milk or ice dealers** in supplying their customers, or to **apothecaries** when putting up *bona fide* prescriptions. § 249. It shall not be lawful to keep open or use any **dancing saloon, opera house**, ten pin alley, **barber saloon** or ball alley within this State on the Sabbath day, commonly called Sunday; and any person or persons, or **body politic** or corporate, who shall **violate** any provisions of this section, or cause or knowingly permit the same to be violated by a person or persons in his, her or its employ, shall be liable to **indictment** in any court of this State having criminal jurisdiction, and upon conviction thereof, shall be fined a sum not less than **\$50** nor more than **\$100**, in the discretion of the court, for the first offense; and if **convicted a second time** for a violation of this section, the person or persons, or body politic or corporate shall be fined a sum not less than **\$100** nor more than **\$500**; and if a natural person, shall be **imprisoned** not less than ten nor more than thirty days, in the discretion of the court; and in case of any **conviction subsequent to the second fined, double or imprisoned**, etc. All fines to be imposed under this section shall be paid to the State. § 22. It shall be unlawful for any person to take or catch **oysters** on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than **\$50** dollars nor more than **\$300**, or **sentenced** to the house of correction for a period of not less than one year, or **forfeit the boat**, vessel or canoe used in violation of this section, at the discretion of the judge or justice of the peace trying the case.

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**MASSACHUSETTS.**—Ch. 98, § 1. Whoever is present at a game, **sport**, play or public diversion, except a concert of **sacred music**, upon the evening of the Lord's Day, unless such game, **sport**, play or public diversion is licensed by the person or board authorized by law to grant licenses in such cases, shall be punished by fine not exceeding **\$5** for each offense. § 2. Whoever on the Lord's Day keeps **open his shop**, warehouse or workhouse, or does any manner of **labor**, business or work, except works of necessity and charity, or takes part in any **sport**, game or play, or, except as allowed or prohibited in the preceding section, is present at any dancing or public diversion, show, game or entertainment shall be punished by fine not exceeding **\$50**, but nothing in this section shall be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the **telegraph** or the **telephone**, nor the retail sale of **drugs** and medicines, nor articles ordered by the prescription of a physician, nor mechanical appliances used by physicians or surgeons, nor the **letting of horses** and carriages, nor the letting of **yachts** and boats, nor the running of steam **ferryboats** on established routes, of **street railway** cars, nor the preparation, printing and publishing of **newspapers**, nor the sale and delivery of newspapers, nor the retail sale and delivery of **milk**, nor the transportation of **milk**, nor the making of **butter** and **cheese**, nor the keeping open of public **bath houses**, nor the making or selling by **bakers** or their employees of bread or other food usually dealt in by them before ten of the clock in the morning and between the hours of four of the clock and half-past six of the clock in the evening. § 4. Whoever, keeping a house, shop, cellar or **place of public entertainment** or

refreshment, entertains therein on the Lord's Day any persons other than travelers, strangers or lodgers, or suffers such persons on said day to abide or remain therein, or in the yards, orchards or fields appertaining to the same, drinking or spending their time idly or at play or in doing any secular business, shall be punished by fine not exceeding **\$50** for each person so entertained or suffered to abide or remain; and upon **any conviction after the first**, by fine not exceeding **\$100**, and if **convicted three times** he shall thereafter be **incapable of holding a license**. § 5. No person licensed to keep a place of public entertainment shall entertain or suffer to remain or be in his house, yard or other places appurtenant, any persons other than travelers, strangers or lodgers in such house, drinking and spending their time there, on the Lord's Day, or the evening preceding the same, and every such innholder or other person so offending shall be punished by fine not exceeding five dollars for each offense. § 6. No person shall serve or execute any civil **process** on the Lord's Day; but such service shall be void and the person serving or executing such process shall be liable in damages to the party aggrieved in like manner as if he had no such process. § 7. Whoever on the Lord's Day **behaves rudely** or indecently within the walls of any house of public worship shall be punished by fine not exceeding **\$10**. § 10. Whoever on the Lord's Day discharges any **fire-arm** for sport or in the pursuit of game shall be punished by fine not exceeding **\$10**. § 11. Whoever attempts to take or catch any **fish** on the Lord's Day, by using any hook, line, net, spear or other implement, shall be punished by fine not exceeding **\$10**. § 12. All prosecutions under the two preceding sections shall be instituted **within thirty days** from the time the offense was committed. § 13. Whoever conscientiously believes that the **seventh day**

of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall not be liable to the penalties of this chapter for performing secular business or labor on the Lord's Day, if he **disturbs** no other person. § 14. Any innholder, common victualler, or person keeping or suffering to be kept in any place occupied by him, implements such as are used in **gaming**, in order that the same may for hire, gain or reward be used for purposes of amusement, who on the Lord's Day uses or suffers to be used any implement, of that kind upon any part of his premises, shall for the first offense forfeit a sum not exceeding \$100 or be **imprisoned** in the house of correction not exceeding three months; and for every **subsequent offense** shall be imprisoned in the house of correction for a term not exceeding **one year**, and in either case shall further recognize, with sufficient sureties, in a reasonable sum for his good behavior, and especially that he will not be guilty of any offense against the provisions of this section for the space of three months then next ensuing.

§ 15. The board of railroad commissioners may **authorize** the running of such steamboat lines and upon any railroad, of such **trains** on the Lord's Day as, in the opinion of the board, the public **necessity and convenience** may require, having regard to the due observance of the day. § 16 The Lord's Day shall be deemed to include the time from **midnight to mid night**.

Constables.) § 120. They shall take due notice of and prosecute all violations of the laws respecting the observance of the Lord's Day. § 97. Whoever wilfully commits a **trespass** by entering upon the orchard, garden, or other improved land of another without permission of the owner \* \* if offense is committed on the Lord's Day, the imprisonment shall not be less than five days nor the fine less than \$5. § 99. Whoever between the first day of April and the first day of December wilfully enters on or passes *over or remains on any orchard, garden,*

\* \* \* after being forbidden by the owner \* \* \* shall be punished by fine not exceeding \$20; and such fine shall not be less than \$5 if the offense is committed on the Lord's Day. § 100. A person found in the act of committing the trespass described in the preceding section may be arrested by a sheriff, deputy sheriff, constable, watchman, or police officer, and kept in custody in a convenient place, not more than twenty-four hours, Sunday excepted, until a complaint can be made against him for the offense, and he be taken upon a warrant issued upon such complaint. § 104. Whoever is discovered in the act of wilfully injuring a fruit or forest tree or committing any kind of malicious mischief on the Lord's Day may be **arrested** by a sheriff, deputy sheriff, constable, watchman, police officer, or other person, and lawfully detained by imprisonment in the jail or otherwise until a complaint can be made against him for the offense, and he be taken upon a warrant issued upon such complaint; but such detention without warrant shall not continue more than twenty-four hours.

(Arrest, etc.) § 52. Persons committed to jail on the Lord's Day, or on the evening or afternoon preceding may be admitted to **ball** on that day, when in the opinion of the magistrate an application for that purpose appears to be proper.

(Discharge of **convicts**, etc.) § 24. When the term of imprisonment of a convict in any prison expires on Sunday, the convict shall be discharged on the Saturday next preceding.

DECISION.—Many of the old decisions of Mass. are invalidated by the amendments of 1887, which legalized much that had previously been criminal (see p. 5). The following is the most important of recent decisions: A person who has the charge and control of a shop, and carries on the business thereof, although both the shop and the business are owned by another, may be convicted of keeping open the shop on the Lord's Day, and in the complaint the shop is properly described as his shop; *Commonwealth v. Dale*, 144 Mass., 368.

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**MICHIGAN.—SEC. 2015.** Am. 1877, p. 13, Mar. 2, Aug. 21, Act 19.—No person shall keep open his shop, warehouse or workhouse, or shall do any manner of **labor, business**, or work, or be present at any dancing, or at any public **diversion**, show, or entertainment, or take part in any sport, game, or play on the first day of the week. The foregoing provisions shall not apply to works of necessity and charity, nor to the making of mutual promises of **marriage**, nor to the solemnization of marriages. And every person so offending shall be punished by fine not exceeding **\$10** for each offense. § 2016. No **tavern keeper**, retailer of spirituous liquors or other person keeping a house of public entertainment, shall entertain any persons, not being travelers, strangers or lodgers in his house, on the said first day of the week, or shall suffer any such person on said day to abide or remain in his house, or in the buildings, yards, or orchards or fields appertaining to the same, drinking, or spending their time idly, or at play, or in doing any secular business. § 2017. Every person offending against any of the provisions of the last preceding section, shall be punished by a fine not exceeding **\$5** for each person so entertained, or suffered so to abide or remain, and upon any **conviction after the first**, such offender shall be punished by a fine not exceeding **\$10**, and if **convicted three times**, he shall be afterwards **incapable of holding a license**, and every person so abiding or drinking shall be punished by a fine not exceeding **\$5**. § 2018. No person shall be present at any game, sport, play, or public diversion, or resort to any public assembly, **excepting** meetings for religious worship or moral instruction, or **concerts of sacred music**, upon the evening of the said first day of the week, and every person so offending shall be punished by a fine not exceeding **\$5** for each offense. § 2019. No person shall serve or execute any civil

**process** from midnight preceding, to midnight following the said first day of the week, but such service shall be void, and the person serving or executing such process, shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process. § 2020. If any person shall, on the said first day of the week, by rude and indecent behavior, or in any other way, intentionally interrupt or **disturb any assembly** of people met for the purpose of worshiping God, he shall be punished by a fine not less than **\$2**, nor more than **\$50**, or by **imprisonment** in the county jail not exceeding thirty days. § 2021. No person who conscientiously believes that the **seventh day** of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be liable to the penalties provided in this chapter, for performing secular business or labor on the first day of the week, provided he **disturb** no other person. § 2022. For the purposes of the provisions of this chapter, the said first day of the week shall be understood to include all the time between the **midnight** preceding the **midnight** following the said day, and no prosecution for any fine or penalty incurred under any of the preceding provisions of this chapter, shall be commenced after the expiration of **three months** from the time when the offense shall have been committed. § 2274. All saloons, restaurants, bars, in taverns or elsewhere, and all other places where any of the **liquors** mentioned in § 1 and § 2 of this act are or may be sold, or kept for sale, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, on all election days, on all legal holidays, and until seven o'clock of the following morning, and on each week day night from and after the hour of nine o'clock until seven o'clock of the morning of the succeeding day. The word "closed," in this section



shall be construed to apply to the **back door** as well as to the front door. And in prosecutions under this section it shall **not be necessary to prove that any liquor was sold**: Provided, that in all cities and incorporated villages the common council may, by ordinance, allow the saloons and other places where said liquors shall be sold to remain open not later than ten o'clock on any such week day night. § 7250. No **court** shall be opened, or transact any business on the first day of the week, unless it be for the purpose of instructing or discharging a jury, or of receiving a verdict; but this section shall not prevent the exercise of the jurisdiction of any single magistrate, when it shall be necessary, in criminal cases, to preserve the peace, or to arrest offenders. § 9174. Every person who shall wilfully commit any **trespass**, \* \* \* shall be punished by **imprisonment** in the county jail not more than sixty days, or by fine not exceeding **\$100**. § 9175. \* \* \* and if any of the offenses mentioned in this, or in the preceding section, shall be committed on the first day of the week or in disguise, or secretly in the night time, between sun setting and sun rising, the imprisonment shall not be less than five days, nor the fine less than **\$5**.

Session Laws, 1887, No. 28. (**Arrests by Game and Fish Warden**.) § 4. Such arrests may be made on Sunday, in which case the person arrested shall be taken before a justice of the peace, or other magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

DECISIONS.—A person laboring for another on Sunday, in a work not of necessity, cannot recover for **injuries** received from the carelessness and negligence of his employer; *McGrath v. Merwin*, 112 Mass., 467. Where a duty is imposed by law, as in case of a common carrier, to carry safely, he is liable for **damages** resulting from the neglect of that duty, to one transporting property by his conveyance on Sunday contrary to law; *Merritt v. Earle*, 29 N. Y., 115; *Carroll v. Staten Island R. R. Co.*, 58 N. Y., 126. So, in Wisconsin, a town-ship was held liable for injuries result-

ing from defects in a highway to a person driving his cattle to market on Sunday; *Sutton v. Wanwatosia*, 29 Wis., 21; 9 Am. Rept., 534. And see a similar principle in: *Norris v. Litchfield*, 35 N. H., 271; *Contra*, see, *Bosworth v. Swansey*, 10 Metc., 363; *Jones v. Andover*, 10 Allen, 18; *Hinckley v. Penobscot*, 42 Me., 89; *Cratty v. Bangor*, 57 Me., 423. A party letting a **horse** for hire on Sunday, to be used **for pleasure**, or in a work not of necessity or charity, can recover neither for the use of the horse, nor for injuries sustained by negligence or over driving; *Parker v. Latner*, 60 Me., 528; *Way v. Foster*, 1 Allen, 409. No action lies for deception in a transaction entered into on Sunday; *Lyon v. Strong*, 6 Vt., 219; *Northrup v. Foot*, 14 Wend., 248; *Robeson v. French*, 12 Metc., 24. To **"keep open"** implies a readiness to carry on the usual business therein, etc. A city ordinance may permit the **keeping open of a saloon** on Sunday for the purpose of furnishing **meals** to regular boarders, and prohibit its being kept open for the sale of liquors, etc., and punish for infractions of the latter prohibition; *Lynch v. People*, 16 Mich., 472. A statute requiring **saloons to be "closed"** on Sunday, means that sales and traffic therein shall be entirely shut off; *Kurtz v. People*, 33 Mich., 279. A **judgment** rendered on Sunday would be void; *Hemmens v. Bentley*, 32 Mich., 89. Service of a **writ of certiorari** on Sunday is void; *Anderson v. Birce*, 3 Mich., 280. And so is the return of an **execution**; *Peck v. Cavell*, 16 Mich., 9. It is the service of **civil process only** that is prohibited on Sunday; arrests in criminal cases may be made on that day; *Pearce v. Atwood*, 13 Mass., 324, 346. One who, on a weekday, lends money on **note** which he does not know was made on Sunday, may recover, *Beman v. Wessels*, 53 Mich., 549. A railroad aid subscription signed on Sunday is *prima facie* void, and if the railroad company has not acted on it in good faith and without knowledge of the defect, must be ratified by delivery on a weekday, *Saginaw, Tuscola, etc., R. R. Co. v. Chappell*, 56 Mich., 190.

**SABBATH LAWS, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA.**

**MINNESOTA.**—Ch. 100, Sec. 19. No person shall keep open his shop, warehouse or workhouse, or shall do any manner of **labor, business** or work, except only works of necessity and charity, or be present at any dancing, or any public **diversion**, show or entertainment, or take part in any sport, game or play, on the Lord's Day, commonly called Sunday; and every person so offending shall be punished by a fine not exceeding **§3** for each offense; provided, this section shall not apply to any person who religiously observes the **seventh day** of the week, commonly called Saturday, as the Sabbath, so far as relates to his work or business avocations. (As amended 1874, c. 47, § 1.) [Decisions: 8 M. 1 (13), 9 M. 179 (194), 14 M. 174, 20 M. 419, 23 M. 551.] § 20. For the purposes of the provisions of the nineteenth section, the Lord's Day shall include the **time** between the **midnight** preceding and the **midnight** following the said day. § 21. No person shall serve or execute any **civil process** from midnight preceding to midnight following the Lord's Day, but such service shall be void, and the person serving or executing such process shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

Ch. 16, § 2. Any person applying for license to sell intoxicating **liquors**  
 \* \* \* shall file \* \* \* a **bond**  
 \* \* \* in the penal sum of \$500, conditioned that the said person so licensed will not sell or otherwise dispose of spirituous, intoxicating or malt liquors (as the case may be), \* \* \* on the Sabbath \* \* \*

(Crimes.) § 222. The first day of the week being by general consent set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community.

§ 223. A violation of the foregoing prohibition is Sabbath breaking.

[DECISIONS: **Indictment** dated on Sunday not void. *State v. Nortan* (Or.), 17 Pac. Rep., 744. A **note** executed on Sunday is void. *Brimhall v. Van Campen*, 8 Minn., 13 (Gil. 1). A **bond** is not "executed" until delivery; therefore, although signed and sealed on Sunday, yet, if not delivered until a succeeding secular day, it is valid. *State v. Young*, 23 Minn., 551. Recovery from a carrier for personal **injuries** received while traveling on Sunday. *Bucher v. Cheshire R. Co.*, 8 Sup. Ct. Rep., 974.]

§ 224. Under the term "day," as employed in the phrase "first day of the week," when used in this chapter, is included all the time from **midnight to midnight**. § 225. All **labor** on Sunday is prohibited, excepting the works of necessity or charity. In works of **necessity** or charity is included whatever is needful during the day for **good order, health, or comfort** of the community. Provided, however, that keeping open a **barber shop** on Sunday for the purpose of cutting hair and shaving beards shall not be deemed a work of necessity or charity. (As amended 1887, c. 54.)

[DECISIONS: Operating in **ice** factory held a work of **necessity**. *Hennersdorf v. State* (Tex.), 8 S. W. Rep., 926. So, also, **shoeing horses** used by a stage company engaged in transporting United States **mail**. *Nelson v. State* (Tex.), Id., 927. See *Friedeborn v. Com.* (Pa.), 6 Atl. Rep., 160.]

§ 226. It is a sufficient defense to a prosecution for servile labor on the first day of the week that the defendant uniformly **keeps another day** of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or **disturb** other persons in observing the first day of the week as holy time.

§ 227. All shooting, **hunting, fishing**, playing, **horse-racing, gaming**, or other **public sports**, exercises or shows, upon the first day of the week, and all **noise** disturbing the peace of the day, are prohibited. § 228. All trades, manufactures, and **mechanical employments** upon the first day of the week are **prohibited, except** that when the same are works of **necessity** they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community. § 229. All manner of **public selling, or offering for sale**, of any property upon Sunday is prohibited, **except** that articles of **food** may be sold and supplied at any time before ten o'clock in the morning, and except also that **meals** may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared **tobacco** in places other than where spirituous or malt liquors or wines are kept or offered for sale, and **fruit, confectionery, newspapers, drugs, medicines**, and surgical appliances may be sold in a quiet and orderly manner at any time of the day.

DECISIONS: Selling **soda water** on Sunday illegal. *Splane v. Com.*, (Pa.), 12 Atl. Rep., 431.

**Beer** may not be publicly sold on Sunday. *State v. Baden* (Minn.), 34 N. W. Rep., 24. **Purchaser** not *particeps criminis*, and not an accomplice, though in pursuit of evidence against persons selling unlawfully. *Id.*

The sale of a **horse** consummated on Sunday is void, and an action on the warranty in such sale will not lie. *Finley v. Quirk*, 9 Minn., 194 (Gil. 180). See *Friedeborn v. Com.* (Pa.), 6 Atl. Rep. 160.

§ 230. All service of legal **process** of any kind whatever, upon the first day of the week, is prohibited, except in cases of breach of the peace, or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or except where such service is specially authorized by statute. § 231. **Sabbath breaking** is *a misdemeanor, punishable by a fine*

not less than \$1 and not more than **\$10**, or by **imprisonment** in a county jail not exceeding five days, or by both. § 232. **Preventing performance of religious act.**

A person who wilfully prevents, by threats or violence, another person from performing any lawful act enjoined upon or recommended to such person by the religion which he professes, is guilty of a misdemeanor.

§ 233. **Disturbing religious meetings.** A person who wilfully disturbs, interrupts, or disquiets any assemblage of people, met for religious worship, by any acts enumerated in the next section, is guilty of a misdemeanor [see 350, 489, Post].

§ 234. The following acts, or any of them, constitute disturbance of a religious meeting: 1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting. 2. Engaging in, or promoting within one mile of the place where a religious meeting is held, any racing of animals or gaming of any description. 3. Obstructing in any manner, without authority of law, within the like distance, free passage along a highway to the place of such meeting.

(Intoxicating **liquors**). Chap. 16, § 10. It shall be unlawful for any person in any city, village, town or borough in this State to sell, barter, furnish, or dispose of in any manner, either directly or indirectly, or by agent, employee, or otherwise, any intoxicating liquor in any quantity or for any purpose whatever on the Sabbath day, or on any general or special election day, and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day, and of any general or special election day; and any person violating any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than \$30, nor more than **\$100, and**

costs of prosecution, and by **imprisonment** in the county jail not less than ten days, nor more than thirty days. (As amended 1877, c. 44, Sec. 1; 1887, c. 81, Sec. 1.)

**MISSISSIPPI.**—1880. Sec. 2949. If any person, on the Sabbath day, commonly called Sunday, shall himself be found **laboring** at his own, or any other trade, calling or business, or shall employ his apprentice, or servant, in **labor or other business**, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall, on conviction, be fined, not more than **\$20**, for every offense, deeming every apprentice or servant, so employed, as constituting a distinct offense, provided, that nothing in this section shall apply to **railroads**, or steamboat navigation in this State. § 2950. No merchant, shopkeeper, or other person, except apothecaries and **druggists**, shall keep **open store**, or dispose of any wares or merchandise, goods or chattels, on Sunday, or sell or barter the same, and every person, so offending, shall, on conviction, be fined not more than twenty dollars, for every such offense. § 2951. If any person shall show forth, exhibit, represent or perform, or cause to be shown forth, acted, represented or performed any interludes, farces, or **plays of any kind**, or any games, tricks, juggling, sleight of hand, or feats of dexterity, agility of body, or any bear baiting, or any bull baiting, **horse racing** or cock fighting, or any such like show or exhibition whatsoever, on Sunday, every person so offending, shall be fined not more than **\$50**. § 2952. If any person shall be found **hunting** with a gun, or with dogs, on the Sabbath, or **fishing** in any way, he shall, on conviction thereof, be fined not less than \$5, nor more than **\$20**. § 2953. It shall not be lawful for any person, having license to sell vinous or **spiruous liquors**, to keep **open** the bar, or place where such liquors are sold, or to sell any such liquors, on the first day of the week, commonly called

Sunday, and any person so offending, shall be liable to a fine of not less than **\$50**, nor more than **\$100**, for each offense. § 1904. **Injunctions** may in all cases, be granted, issued and executed on Sunday, if the judge or chancellor considers it proper, and this provision shall apply to all other remedial process. § 2471. Attachments may, in all cases, be issued and executed on Sunday, and may be executed in any part of the county, by any constable of the county, or by the constable or police officer of any incorporated city or town, in the same manner as by the sheriff of the county; and in cases of emergency, and when a sheriff, or his deputy, or a constable, or police officer cannot be had in time, the officer issuing an attachment may appoint some reputable person to execute such attachment, and such officer shall be liable on his bond and individually, for the consequence of appointing an insolvent or incompetent person for such service.

**MISSOURI.**—Sec. 1054. No **court** shall be open or transact business on Sunday, unless it be for the purpose of receiving a verdict or discharging a jury and every adjournment of a court on Saturday shall always be to some other day than Sunday, except such adjournment as may be made after a cause has been committed to a jury; but this section shall not prevent the exercise of the jurisdiction of any magistrate, when it shall be necessary, in criminal cases, to preserve the peace or arrest the offender, nor shall it prevent the issuing and service of any attachment in a case where a debtor is about fraudulently to secrete or remove his effects. (G. S. 540, Sec. 34.)

[DECISIONS.—From 12 o'clock Saturday night until 12 o'clock Sunday night, courts cannot sit to transact business. 37 Mo., 466.]

§ 1578. Every person who shall either **labor** himself, or compel or permit his apprentice, or servant, or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity

or other works of necessity or charity, or who shall be guilty of **hunting** game or shooting on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and **fined** not exceeding **\$50**.—(Laws 1877, p. 241, Sec. 1, amended.) § 1579. The last section shall not extend to any person who is a member of a religious society, **by whom any other than the first day of the week is observed** as a Sabbath, so that he observes such Sabbath, nor to prohibit any **ferryman** from crossing passengers on any day of the week.—(G. S. 819, Sec. 33.) § 1580. Every person who shall be convicted of **horse racing**, cock fighting, or playing at cards or **games of any kind** on the first day of the week, commonly called Sunday, shall be deemed guilty of a **misdemeanor** and fined not exceeding **\$50**.—(G. S. 819, Sec. 34.) § 1581. Every person who shall **expose to sale any goods**, wares or merchandise, or shall keep open any ale or porter house, grocery or tippling shop, or shall sell or retail any fermented or distilled **liquor** on the first day of the week, commonly called Sunday, shall, on conviction, be adjudged guilty of a **misdemeanor** and fined not exceeding **\$50**.—(G. S. 819, Sec. 35.) § 1582. The last section shall not be construed to prevent the sale of any **drugs**, or medicines, **provisions** or **other articles of immediate necessity**.—(G. S. 819, Sec. 36.) § 1586. Any person having a license as a dramshop keeper, who shall **keep open such dramshop**, or shall sell, give away or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquors in any quantity, on the first day of the week, commonly called Sunday, shall, upon conviction thereof, in addition to the penalty now provided by law, **forfeit** such **license**, and shall not again be allowed to obtain a license to keep a dramshop **for** the term of

**two years** next thereafter.—(G. S. 422, Sec. 22-8.)

MONTANA.—§ 1406. Hereafter it shall be unlawful for any person or persons to keep open any play house, **theatre**, **dance house**, hurdy gurdy house, **prize ring** or **race grounds** on the first day of the week, commonly called the Lord's Day. § 1407. Hereafter it shall be unlawful for any person or persons to keep open any house or other habitation wherein any **game of chance** is played, or open any banking game at cards on the first day of the week, commonly called the Lord's Day. § 1408. If any person or persons shall violate the provisions of this chapter they shall be deemed guilty of a **misdemeanor**, and upon conviction thereof before any court having competent jurisdiction, shall be **fined** in any sum not less than **\$10**, nor more than **\$100**, or be **imprisoned** in the county jail not less than one nor more than thirty days for such offense, or by both such fine and imprisonment, and shall be adjudged to pay all costs of such prosecution. § 1409. Justices of the peace shall have **jurisdiction** in all cases arising under the provisions of this chapter. § 1410. All **fines** collected under this chapter shall be paid into the county treasury of the county where such conviction was had, and shall be **for the benefit of the common schools** of the said county.

[EDITOR'S NOTE.—This law is not enforced partly because it is not believed to be constitutional, as it surely is not equitable, to forbid actors and pugulists and licensed gamblers to carry on their business on the Sabbath while allowing liquor dealers and merchants and common laborers to work or be worked as usual on that day. Now that Montana has put on Statehood it will be expected to put off this monstrosity of frontier legislation, the worst off all the Sabbath laws of our States and Territories, bordering on California's no-law.]

**SABBATH LAWS OF NEBRASKA, NEVADA, NEW HAMPSHIRE.**

**NEBRASKA.**—Code of Civil Procedure, Sec. 395. The **time** within which an act is to be done as herein provided, shall be **computed** by excluding the first day and including the last; if the last day be Sunday, it shall be excluded.

Statutes, Ch. 19, § 38. No **court** can be opened, nor can any judicial business be transacted on Sunday, or on any legal holiday except: I. To give instructions to a jury then deliberating on their verdict. II. To receive a verdict, or discharge a jury. III. To exercise the powers of a single magistrate in a criminal proceeding. Ch. 50, § 14. Every person who shall sell or give away any malt, spirituous and vinous **liquors** on the day of any general or special election, or at any time during the first day of the week, commonly called Sunday, shall **forfeit** and pay for every such offense, the sum of **\$100**.

Criminal Code, Ch. 28, § 241. If any person of the age of **fourteen years or upward**, shall be found on the first day of the week, commonly called Sunday, **sporting**, rioting, quarrelling, **hunting**, **fishing** or shooting, he or she shall be fined in a sum not exceeding **twenty dollars**, or be confined in the county **jail** for a term not exceeding twenty days, or both, at the discretion of the court. And if any person of the age of fourteen years or upward, shall be found on the first day of the week, commonly called Sunday, at common **labor** (work of necessity and charity only excepted) he or she shall be fined in any sum not exceeding **\$5** nor less than **\$1**, provided, nothing herein contained in relation to common labor on said first day of the week, commonly called Sunday, shall be construed to extend to those who conscientiously do observe the **seventh day** of the week as the Sabbath, nor to prevent **families emigrating** from traveling, **watermen** from landing their passengers,

superintendents or keepers of toll bridges or **toll gates** from attending and superintending the same, or **ferry-men** from conveying travelers over the water, or persons moving their families on such days, or to prevent **railway** companies from running **necessary trains**.

**DECISION.**—A laborer on a railroad, required to work on Sunday, may maintain an action for damages sustained on that day by the negligence of the company. *Johnson v. Missouri Pacific Ry. Co.*, 18 Neb., 690.

**NEVADA.**—SEC. 3528. The **time** within which an act is to be done, as provided in this act, shall be **computed** by excluding the first day and including the last. If the last day be Sunday it shall be excluded. § 3705. Any writ or **process** authorized by this act may be issued and served on the first day of the week, commonly called Sunday or any other non-judicial day. [*DECISION: Greeley v. Holland*, 14 Nev., 320.]

§ 4847. No person shall **open** any playhouse or **theatre**, **race ground**, cock pit, or play at any **game of chance** for gain, or engage in any **noisy amusement**, on the first day of the week, commonly called the Lord's Day. § 4848. No judicial business shall be transacted by any **court** except deliberations of a jury who have received a case on a week day, so called, and who may receive further instructions from the court at their request, or deliver their verdict; nor any **civil process** be served by any certifying or attesting officer, nor any record made by any legally appointed or elected officer, upon the first day of the week, commonly called the Lord's Day; provided, that criminal process may issue for the apprehension of any person charged with crime, and criminal examination to be proceeded with. § 4849. Any person or persons violating the provisions of the two

preceding sections of this act shall be punished, on conviction thereof, by a fine of not less than thirty dollars, nor more than **\$250**, for each offense.

§ 4850. Justices of the peace may have **jurisdiction** of all complaints arising under the aforesaid act. § 4851. On complaint of any person, before a justice of the peace, the person or persons found guilty of any offenses specified in this act shall be fined as aforesaid, to be paid to the treasurer of the territory, **for the benefit of common schools**; and the offender shall, in addition to the said fine and the costs of prosecution, give **bonds**, with two good and sufficient sureties, in the sum of not less than \$200, nor more than \$500, for good behavior during any time within the discretion of the court, and stand committed till the whole order is complied with and the fine be paid. [Ex parte Winston, 9 Nev., 71; State v. California Mining Co., 13 Nev., 203.]

[EDITOR'S NOTE.—Nevada is often spoken of as having "no Sunday law." It is a very slight mistake for it has next to none. Servile labor and business and liquor selling are all unrestrained, as in Montana. All other States that have any Sabbath law at all forbid "labor," and all, except Texas, "liquor." At the foot of the list of States and Territories stand Alaska, Arizona, California, the District of Columbia and Idaho, with no Sabbath laws at all. Then comes Montana and Nevada, with next to none. After these those which give least protection against Sunday work to their people are Louisiana, Massachusetts and Wyoming.]

NEW HAMPSHIRE.—(Offenses against Morality and Religion.) Chap. 273. § 3. No person shall do any **work, business**, or labor of his secular calling, to the disturbance of others, works of necessity and mercy excepted, on the first

day of the week, commonly called the Lord's Day; nor shall any person use any play, game or **recreation** on that day or any part thereof. This section shall not be construed to prevent **necessary repairs in mills** and factories which could not be made on a weekday without throwing many operatives out of employment. § 4. No person shall, on the Lord's Day, within the walls of any house of public worship or near the same, **behave rudely** or indecently, either in the time of public service or between the forenoon and afternoon services. § 5. Any person offending against any provision of the last two preceding sections of this chapter, shall forfeit a sum not exceeding **\$6**, which shall be recovered by any selectman or police officer, for the use of the town.

§ 10. No person shall **keep open his shop**, warehouse, cellar, restaurant or workshop, for the reception of company, or shall sell or expose for sale any merchandise whatsoever on the first day of the week, commonly called the Lord's Day; but this section shall not be construed to prevent the entertainment of **boarders**, or the sale of **milk, bread**, and other **necessaries of life**, or **drugs**, and medicines. § 11. If any person shall be guilty of a breach of either of the two preceding sections, he shall be fined not exceeding **\$10**, or **imprisoned** not exceeding thirty days, or both. § 13. **Any person**, upon view of any offense described in this chapter, **may apprehend the offender**, and bring him before a justice for trial. § 15. No **prosecution** for the violation of any provision of this chapter, shall be sustained unless commenced **within thirty days** after the commission of such offense.

DECISION.—A bailee's breach of his Sunday contract for the exercise of care in the Sunday use of the thing bailed is not actionable. *Chenette v. Teehan*, 63 N. H., 149.

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**NEW JERSEY.**—Revised Statutes, page, 1227. § 1. That no traveling, worldly employment or **business**, ordinary or servile **labor** or work, either upon land or water, (works of necessity and charity excepted) nor shooting, **fishing**, (not including fishing with a seine or net, which is hereafter provided for), sporting, **hunting**, gunning, **racing** or **frequenting of tipping houses**, or any interludes or **plays**, **dancing**, singing, fiddling or other music for the sake of merriment, nor any playing at football, fives, nine-pins, bowls, long bullets or quoits, nor any other kind of playing, **sports**, pastimes, or diversions, shall be done, performed, used or practiced by any person or persons within this State on the Christian Sabbath, or first day of the week, commonly called Sunday. [Reeves v. Butcher, 2 Vr., 224; Ryno v. Darby, 5 C. E. Gr., 231; Crocket v. Vanderveer, Penn., \*856; State v. William, 1 Vr., 102; Taylor v. Thomas, 1 Gr. Ch., 106; Scott v. Dow, 2 Gr., 350.] And that every person being of the age of **fourteen years or upwards**, offending in the premises, shall for every such offense, forfeit and pay to the use of the poor of the township in which such offense shall be committed, the sum of **\$1**; and that no person shall cry, show forth or **expose to sale** any wares, merchandise, fruit, herbs, meat, fish, goods, or chattels, upon the first day of the week, commonly called Sunday, or sell or barter the same, upon pain that every person so offending shall forfeit and pay to the use of the poor of the township where such offense shall be committed, the sum of **\$2**; and if any person offending in any of the premises shall be thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, then the said justice before whom such conviction shall

be had, shall direct and send his warrant, under his hand and seal, to some constable of the county where the offense shall have been committed, commanding him to levy the said forfeitures or penalties by distress and sale of the goods and chattels of such offenders, and to pay the **money** therefrom arising to the overseers of the **poor** of the township where the said offense or offenses shall have been committed, for the use of the poor thereof; and in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the justice, be committed to the common jail of the said county, or to the jail of any city or town corporate within the same, for a term not exceeding ten days, to be certainly expressed in said warrant; and further, that if any person shall be found **fishing**, **sporting**, playing, **dancing**, fiddling, shooting, **hunting**, gunning, **traveling**, or going to or returning from any market or landing with carts, wagons or sleds, or behaving in a disorderly manner on the first day of the week, called Sunday, it shall be lawful for any constable, or other citizen, to stop every person so offending, and to detain him or her till the next day, to be dealt with according to law; provided always, that no person going to or returning from any church or place of worship, within the distance of twenty miles, or going to call a physician, surgeon or midwife, or carrying a **mail** to or from any post office, or going express by order of any public officer, shall be considered as traveling within the meaning of this act; and provided also, that nothing in this act contained, shall be construed to prohibit the dressing of victuals in private families or in lodging houses, inns and other houses of entertainment for the use of sojourners, travelers or strangers; and provided further, that it shall and may be lawful for any railroad company in this State to run **one passenger train each way**



over their roads on Sunday, for the accommodation of the citizens of this State. § 2. No person shall, on the first day of the week, called Sunday, cast, draw, or make use of any seine or net, for the purpose of catching fish in any pond, lake, stream or river, within the territorial limits or jurisdiction of this State, or be aiding or assisting therein, and every person offending in the premises shall, on being thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of **\$14** for every such offense; and in case of non-payment of the said forfeiture, then the said justice before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county in which the offense shall have been committed commanding him to levy the said forfeiture or penalty by distress and sale of the goods and chattels of such offender, and to **pay the money** therefrom arising to the overseers of the **poor** of the township where the said offense shall have been committed, for the use of the poor thereof and for want of goods and chattels whereby to make such distress, to convey the body of the said offender to the common jail of the county, or the jail of any city or town corporate within the same, there to remain in safe custody until the said forfeiture, with the costs of prosecution, shall be fully paid, or until such offender shall be delivered by due course of law. § 3. If any stage or **stages** shall be driven through any part of this State on the first day of the week called Sunday, except sufficient reason shall be offered to show that it be done in cases of necessity or mercy, or in case of carrying the **mail** to or from any post office, the driver or drivers, proprietor or proprietors of such stage or stages, shall, on being thereof convicted before any justice of the peace for the county where the offense shall be committed, upon the view of the said

justice, or confession of the party, or testimony of any witnesses, forfeit and pay the **\$8** for every such offense; and in case of non-payment of the said forfeiture or penalty, then the same shall be levied, recovered and applied in the manner and form prescribed in and second section of this act; and every justice of the peace in this State shall be empowered and required, upon personal knowledge or view, or upon due information, of any stage or stages being driven or run through any part of this State as aforesaid, to send his warrant to detain the same, or order the driver or drivers thereof to be detained, at the cost and expense of the proprietor or proprietors of such stage or stages, until the first day of the week, called Sunday, and then to be dealt with as before directed. § 4. No wagoner, drayman, drover, butcher, or his or their servants, shall **travel with** his or their wagon or drays, or shall load or unload **goods**, wares, merchandise, or drive cattle, sheep or swine through any part of this State, on the first day of the week, called Sunday, under the penalty of **\$2** for every offense, to be levied, recovered and applied, in the manner and form prescribed in the second section of this act. § 5. No person or persons shall, upon the first day of the week, called Sunday, shall serve or cause to be served or executed any writ, **process**, warrant, order, judgment or decree (except in criminal cases or for breach of the peace), but the service of every such writ, warrant, order, judgment or decree shall be void to all intents and purposes: and the persons so serving or executing the same shall be as liable to the party aggrieved, and to answer damages to him for doing thereby as he or they had done the same without any writ, process, warrant, order, judgment or decree. § 9. If any persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time shall

and of purpose, disquiet, interrupt or disturb any assembly of people met for religious worship \* \* \* shall upon conviction before any justice of the peace forfeit and pay the sum of \$10, or be committed to jail for a term not exceeding ten days. § 13. **No transportation of freight**, excepting milk, on any public highway, railroad or canal, shall be done or allowed by any person or persons within this State, on the first day of the week, commonly called the Christian Sabbath; provided, that nothing in this act contained shall be construed so as to prevent the transportation of the United States mail by railroad or on the public highways, or to the regular trips of ferry boats within the State or between this and another State. § 17. If any person or persons shall disturb or interrupt any religious meeting as aforesaid, on the first day of the week, called Sunday, it shall be lawful for any constable or member of the meeting, and a citizen or freeholder as aforesaid, to apprehend such person or persons immediately, and detain him or them until the next day, then to be dealt with according to law, unless said offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct to answer the charge preferred against him or them, in which case it shall be lawful for said magistrate to discharge such offender or offenders. § 31. Every justice of the peace in this State in hereby empowered and required, upon his personal knowledge or view, or other due information, of any canal boat, or railroad car, transporting freight through any part of this State, as aforesaid, he shall be authorized and required to stop and detain the same, or order the same to be stopped and detained, at the cost and expense of the proprietor or proprietors of such canal boat or railroad car, until the following day and then to be dealt with as hereinbefore is directed. § 32. This shall apply also to cattle, sheep and hogs being driven to market on the Sabbath day. § 33. Every inhabitant of this State, who religiously observes the seventh day of the week

as the Sabbath, shall be exempt from answering to any process, in law or equity, either as defendant, witness or juror, except in criminal cases; likewise from executing, on the said day, the duties of any post or office to which he may be appointed or commissioned, except when the interest of the State may absolutely require it, and shall also be exempt from working on the highways and doing any militia duty on that day, except when in actual service. § 34. If any person, charged with having labored or worked on the first day of the week, commonly called Sunday, shall be brought before a justice of the peace to answer the information and charge thereof, and shall then and there prove, to the satisfaction of the said justice, that he or she uniformly keeps the seventh day of the week as the Sabbath, and habitually abstains from following his or her usual occupation or business and from all recreation and devotes the day to the exercise of religious worship, then such defendant shall be discharged; provided always that the work or labor, for which such person is informed against, was done and performed in his or her dwellinghouse or workshop or on his or her premises or plantation, and that such work or labor has not disturbed other persons in the observance of the first day of the week as the Sabbath; and provided also, that nothing in this section contained shall be construed to allow any such person to openly expose to sale any goods, wares, merchandise or other article or thing whatsoever in the line of his or her business or occupation.

Page 1117, State Prisons, Art. VII.—Each convict shall every day, except Sundays, be kept at hard labor.

Page 355, § 95.—Election committees shall sit from day to day, Sundays excepted.

Page 450, **Game and Game Fish**, (15), § 1.—The Act of 1866 is hereby extended so as to include all persons who shall fish, with hook and line, for any kind of fish whatsoever, on the Sabbath day, except those mentioned in the fifth section of the supplement to said act.

Page 428, Fisheries, (17), §1.—If any person or persons, whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this State, from **sunset on Saturday until sunrise on Monday** of each and every week, he, she, or they so offending shall forfeit and pay the sum of **\$250**, together with costs of suit, for each and every offense; provided, that nothing in this section contained, shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night.

Page 431, (31), § 1.—If any person or persons whosoever, shall cast or lay out any seine or net in the river Delaware, within the concurrent jurisdiction of this State and State of Pennsylvania, from sunset on Saturday until twelve o'clock on Sunday night of each and every week, he, she, or they so offending shall forfeit and pay the sum of **\$100**, together with costs of suit, for each and every offense.

Page 450, Game etc., (14), § 5.—Any person who shall **hunt** with a gun, or with a dog and gun, or with any kind of firearm or weapon, or shall in any way kill, take or destroy with any trap, snare, or other device whatsoever, any bird or animal whatever, on the Sabbath day, commonly called Sunday, except those who observe the **seventh day** of the week as the Sabbath, gunning upon their own lands, shall be liable to a penalty of twenty-five dollars for each and every offense.

Laws of 1888, Ch. 110, §2.—If the holder of any such license shall sell or **offer for sale**, barter or give, or suffer to be sold or offered for sale, bartered or given within his tavern, beer shop, liquor saloon or other premises, any spirituous, vinous or malt **liquors** on the first day of the week commonly called Sunday, \* \* \* his **license** shall thereby become

forfeited and **void**. [Renewed 1888, Ch. 51, § 10,]

SESSION LAWS, 1881, Ch. 211.—§ 2. Boards of Trustees, etc., of any incorporated **camp meeting** association or seaside resort, etc., shall have power, by ordinance or otherwise, to regulate or **restrain** the running of any **railroad** train, locomotive or cars upon any railroad track within said premises upon the first day of the week, commonly called Sunday. § 3. Said trustees, etc., may, by ordinance or otherwise, regulate the landing of persons on piers by means of **boats**, etc., etc., on Sunday,

SESSION LAWS, 1884, Ch. 145.—§ 1. From and after the passage of this Act it shall be lawful for any **Court** or county officer to **publish any notice** or advertisement, now required by law to be published in any newspaper in this State, in any **Sunday newspaper** which has been published in such county for the period of at least one year; and such publication shall be as valid and legal as if the same had been made in any newspaper of this State now authorized by law to publish such notices or advertisements.

DECISIONS.—On Sunday a tenant was notified that if he held over after the expiration of the term he would be charged an increased rent. Held, that his remaining in possession after the expiration of the term did not import a contract to pay at the increased rate. *State v. Ryan*, 49 N. J. L., 314. Under N. J. Rev. St., p. 1277, prohibiting Sunday traveling, save for necessity or charity, with the proviso that railroad companies may run one train a day each way "for the accommodation of citizens of this State."—Held, that a passenger on such train, though not traveling for necessity or charity, could recover for the negligence of the company. *Smith v. N. Y., Susquehanna, &c., R. R. Co.*, 46 N. J. L., 7.

NEW MEXICO.—(Sabbath Observance.)

Sec. 933. Any person or persons, who shall be found on the first day of the week, called Sunday, engaged in any games or sports, or in horse racing, cock fighting, dancing, or in any other manner **disturbing** any worshipping assembly, or private family, or in **buying**, or **selling any goods**, wares or merchandise, chattels, or **liquors**, or any other kind of property, or in holding, or **attending any public meeting** or public exhibition, except for religious worship, or instruction, or engaged in any **labor**, except works of necessity, charity or mercy, or who shall **keep open**, any store, shop or office, or other place of business, or place for the display of goods, wares, or merchandise, shall be punished by a **fine not exceeding \$50**, nor less than \$10, for the first offense, and for the second or any **subsequent offense**, by a fine of not less than \$25, nor more than \$100, or by **imprisonment** of not less than five, nor more than twenty days, in the discretion of the court, or justice, upon conviction before any district court, or justice of the peace: provided, that none of the provisions of this act shall be construed to prevent **travelers** from prosecuting their journey, and keepers of **ferryboats**, **livery stables**, hotels, or restaurants from supplying the wants of their boarders or lodgers, on said day; **barbers** may also pursue their vocation; and provided further, that **butchers** and **bakers** may keep their establishments open, and sell meat, bread and like articles, but shall not sell **liquors** or general merchandise; and **apothecaries** may likewise keep open their places of business, and sell and deliver drugs, or medicines, and surgical instruments, and medical apparatus, but no other articles on said day. The foregoing section amended, 1886-7, Chap. XXVL, to read as follows:]

Sec. 933. Any person or persons who shall be found on the first day of the

week, called Sunday, engaged in any **sports**, or in horse racing, cock fighting or in any other manner **disturbing** any worshipping assembly, or private family, or **attending any public meeting**, or public exhibition, excepting for religious worship, or instruction, or engaged in any **labor**, except works of necessity, charity or mercy, shall be punished by a fine not exceeding \$15, nor less than \$5, or **imprisonment** in the county jail of not more than fifteen days, nor less than five days, in the discretion of the court, upon conviction before any district court. All **finest** collected under this act to be **applied to the school fund** of the district in which the offense was committed. It shall be the duty of any sheriff collecting said fine to pay the same to the county treasurer, to the credit of the school district of the county in which the said offense was committed, within thirty days after collecting said fine, and take his receipt therefor. All acts or parts of acts, in conflict herewith are now hereby repealed.

[Session Laws, 1888-9, Chap. 32, Sec. 17, provides that] prosecuting officers are to make no charge against the Territory for cases of violation of the Sunday law. § 934. It shall be lawful in cases of necessity for farmers and gardeners to **irrigate** their lands, and when necessary to preserve the same to remove **grain** and other products, from the fields on said day; and nothing in this act shall be construed to prevent cooks, waiters, and other employees of hotels and restaurants, and the butchers and bakers, from performing their duties on said day. § 935. No **civil process** shall be issued or served on said day, except in case of **capias**, attachment, or replevin, when the plaintiff, or his agent, shall make oath that he is in danger of being subject to loss, or serious inconvenience, unless process shall be issued or served on said day. In all other cases, any civil process issued, or

the service thereof, on said day, shall be void. § 936. Sunday, for the purposes of this act, shall be regarded as the **time between sunrise and midnight** of said day. § 937. Witnesses attending to testify on the part of the Territory, under the provisions of this act, shall be entitled to receive two dollars for each day's attendance, and the mileage provided by law, to be taxed as other costs. § 938. It is hereby made **the duty of the attorney general and district attorneys, to prosecute** offenders against the provisions of this act, and they shall be entitled to receive a **fee** of five dollars, for each conviction, to be taxed as other costs.

NEW YORK.—Penal Code, as amended, 1883, 1887. TITLE X.—OF CRIMES AGAINST THE PERSON AND AGAINST PUBLIC DECENCY AND GOOD MORALS. CHAP. I.—*Of Crimes against Religious Liberty and Conscience.* § 259. The first day of the week being, by general consent, set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community. § 260. A violation of the foregoing prohibition is Sabbath breaking. § 261. Under the term "day," as employed in the phrase "first day of the week," when used in this chapter, is included all the time from **midnight to midnight.**

§ 263. All **labor** on Sunday is prohibited, excepting works of necessity or charity. In works of **necessity** or charity is included whatever is needful during the day for the good order, health or comfort of the community. § 264. It is a sufficient defense to a prosecution for servile labor on the first day of the week, that the defendant uniformly **keeps another day** of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such a manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

§ 265. All shooting, hunting, fis playing, horse racing, gaming, or public **sports**, exercises or shows, the first day of the week, and all n disturbing the peace of the day, are hibited. § 266. All trades, **manu tures**, agricultural or mechanical ployments upon the first day of week are prohibited, **except** that v the same are works of **necessity** may be performed on that day in t usual and orderly manner, so as no interfere with the repose and relig liberty of the community. § 267. manner of public selling or **offer for sale** of any property upon Sur is prohibited, except that articles **food** may be sold and supplied at time before 10 o'clock in the morn and except also that meals may be to be eaten on the premises where or served elsewhere by caterers; prepared **tobacco** in places other where spirituous or malt liquors wines are kept or offered for sale, **fruit, confectionery, ne papers, drugs**, medicines, and s cal appliances may be sold in a c and orderly manner at any time of day.

§ 268. All service of legal **proc** of any kind whatever, upon the first of the week, is prohibited, excep cases of breach of the peace, or ap hended breach of the peace, or w sued out for the apprehension of a son charged with crime, or except w such service is specially authorized statute.

§ 269 [as amended June 6, 18 Sabbath breaking is a misdemea punishable by a fine not less than and not more than **\$10, or by imprisonment** in a county jail not ceeding five days, or by both; but **a second offense**, where the pi shall have been previously convicted shall be punishable by a fine not than \$10 and not more than **\$20 a imprisonment** in a county jail less than five nor more than twe days.

§ 270. In addition to the penalty posed by the last section, all prop

and **commodities exposed for sale** on the first day of the week, in violation of the provisions of this chapter, shall be **forfeited**. Upon conviction of the offender by a justice of the peace of a county, or by any police justice or magistrate, or by a mayor, recorder or alderman of a city, such officer shall issue a warrant for the seizure of the forfeited articles, which, when seized, shall be sold on one day's notice, and the proceeds paid to the overseers of the poor, for the use of the poor of the town or city.

§ 271. Whoever maliciously procures any **process** in a civil action to be served on Saturday, **upon any person who keeps Saturday** as a holy time, and does not labor on that day, or serves upon him any process returnable upon that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

§ 276. All **processions and parades** on Sunday in any city, excepting only funeral processions for the actual burial of the dead, and processions to and from a place of worship in connection with a religious service there celebrated, are forbidden; and in such excepted cases there shall be no music, fireworks, discharge of cannon or firearms, or other disturbing noise. At a military funeral, and at the burial of a national guardsman, or of a deceased member of an association of veteran soldiers, or of a disbanded militia regiment, music may be played while escorting the body, but not within one block of a place of worship where service is then celebrated. A person willfully violating any provisions of this section is punishable by a fine not exceeding **§20** or imprisonment not exceeding ten days, or both.

§ 277. The performance of any tragedy, comedy, opera, ballet, farce, negro minstrelsy, negro or other dancing, wrestling, boxing, with or without gloves, sparring contest, trial of strength, or any part or parts therein, or any circus, equestrian or **dramatic performance** or exercise, or any per-

formance or exercise of jugglers, acrobats, club performances or rope dancers on the first day of the week is forbidden; and **every person aiding in such exhibition**, performance or exercise by advertisement, posting or otherwise, and **every owner** or lessee of any garden, building or other room, place or structure, who leases or lets the same for the purpose of any such exhibition, performance or exercise, or who assents to the use of the same for any such purpose, if it be so used, is guilty of a **misdemeanor**. In addition to the punishment therefor provided by statute, every person violating this section is subject to a **penalty of \$500**, which penalty "**The Society for the Reformation of Juvenile Delinquents**," in the city of New York, **for the use of that society**, and the overseers of the poor in any other city or town, **for the use of the poor**, are authorized, in the name of the people of the State, to recover. Besides this penalty, every such exhibition, performance or exercise, of itself, **annuls any license** which may have been previously obtained by the manager, superintendent, agent, owner, or lessee, using or letting such building, garden, room, place or other structure, or consenting to such exhibition, performance or exercise.

Ch. 549, § 5. \* \* \* No inn, tavern, or hotel keeper, or other person shall sell or give away intoxicating **liquors** or wines on Sunday \* \* \* to any person whatever, as a beverage.

Whoever shall offend against the provision of this section shall be guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than thirty dollars nor more than **§200**, or by imprisonment not less than five days nor more than fifty days, or both such fine and imprisonment at the discretion of the court.

[EDITOR'S NOTE.—See Comments on New York law on pp. 7, 8.]

DECISIONS (on each section in order.)—

§ 261. Pulling *v.* People, 8 Barb., 384. Vanderwerker *v.* People, 5 Wend., 530.

§ 263. Works of **necessity** are excepted

by the statute. *Sun Pub. Co. v. Tribune Ass.*, 12 J. & Sp., 136. *Parmalee v. Wilkes*, 22 Barb., 539. § 264. *Isaacs v. Beth Hemedash Soc.*, 1 Hilt., 469. *Maxson v. Annas*, 1 Den., 204. § 265. The Laws of 1815 prohibiting fishing in the Hudson on Sunday. *Sickles v. Sharp*, 13 Johns, 497. It is no defense to an action for a personal **injury** that the parties were at the time practising an unlawful game on Sunday. *Etchberg v. Levielle*, 2 Hilt., 40.

§ 267. A private **contract** made on Sunday is valid. *Boyton v. Paige*, 13 Wend., 425. *Batsford v. Every*, 44 Barb., 618. *Eberle v. Mehrbach*, 55 N. Y., 682. *Miller v. Roessler*, 4 E. D. Smith, 234. A contract for the publication of an advertisement in a **Sunday paper** held void under former statute. *Smith v. Wilcox*, 24 N. Y., 353. Now permitted by the Laws of 1871, ch. 702. A contract for the **hiring of a horse** to be used on Sunday for pleasure, cannot be enforced, *Nodine v. Doherty*, 36 Barb., 59. But the hirer is liable to an action for negligence, though the **contract** was made on Sunday. *Harrison v. Marshall*, 4 E. D. Smith, 271.

§ 268. **Process** cannot be legally issued or served on Sunday. *Van Vechten v. Paddock*, 12 Johns, 178. *Butler v. Kelsey*, 15 Johns, 177. Nor be made

returnable. *Gould v. Spencer*, 5 Paige, 541; *Arctic F. Ins. Co. v. Hicks*, 7 Abb., 204. When so served proceedings will be set aside. *Robb v. Moffatt*, 3 Johns, 257. A defendant cannot legally admit service of process on Sunday. *Wood v. Brooklyn*, 14 Barb., 425. An **arrest** cannot be made on Sunday for the violation of a municipal ordinance. *Wood v. Brooklyn*, 14 Barb., 425. Service of **notice of motion** on Sunday is irregular and void. *Field v. Park*, 20 Johns, 140. An **award** made and **published** on Sunday is void. *Story v. Elliott*, 8 Cow., 27.

§ 271. *Maxson v. Annas*, 1 Den., 204.

§ 277. An agreement to make an ascension in a balloon on Sunday from a public garden is within the statute. *Brunnett v. Clark*, 1 Sheld., 500.

RECENT DECISIONS, 1885-9.—One who on Sunday procures goods by false representations cannot, on that ground, escape liability from arrest in a civil action, although the law prohibits the sale of that class of goods on Sunday. *O'Shea v. Kohn*, 33 Hun (N. Y.) 114. (Per contra Cr., 1889.) Where three men without noise played ball on private grounds, there was no breach of the law. *People v. Dennin*, 35 Hun (N. Y.) 327.

## PETITION FOR AMENDMENT OF STATE SABBATH LAW.

To the State Senate of ..... (Duplicate to House.)

The undersigned, adult residents of the city (or town) of ..... hereby earnestly petition your honorable body to so amend our State laws with reference to the first day of the week, that, with the exception of works of real necessity and mercy, and private work by those who keep Saturday, all toil, and traffic and turmoil, whether by railroad or other corporations, or by individuals, shall be equitably forbidden and vigorously suppressed, and so our State enjoy the benefits of laws on this subject as good or better than the best.

**SABBATH REFORM DOCUMENTS, Vol. I., No. 23, MAR. 20, 1890.**

*Issued semi-weekly by* **AUTHORS' PUBLISHING CO., 150 Nassau St., New York.**  
**WILBUR F. CRAFTS, Editor.**

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Entered in N. Y. P. O. as second class matter.

**NORTH CAROLINA.**—Sec. 291. No person shall be **arrested** on Sunday. §596. C. C. P., § 348. The time within which an act is to be done, as herein provided, shall be **computed** by excluding the first day and including the last. If the last day be Sunday, it shall be excluded. § 1115. 1868-'9, c. 18, s. 1. If any person whomsoever shall be known to **hunt** on the Lord's Day, commonly called Sunday, with a dog or dogs, having a shot gun, rifle or pistol, every person so offending shall be subject to indictment; and shall pay a fine not to exceed **\$50**, at the discretion of the court, **two-thirds** of such fine to enure to the **benefit of the free public schools** in the county, the **remainder to the informant**.

§ 1116. 1883, c. 338. It shall be unlawful for any person to **fish** on Sunday **with a seine**, drag net or other kind of net, except such as are fastened to stakes; and any person violating this section shall be guilty of a misdemeanor, and fined not less than \$200 nor more than **\$500, or imprisoned** not more than twelve months. [See **exception**, Laws of 1885, below.] §1117. 1876-'7, c. 38. If any person shall sell spirituous, or malt, or other intoxicating **liquors** on Sunday, except on the prescription of a physician, and then only for medical purposes, the person so offending shall be guilty of a **misdemeanor**, and punished by **fine, or imprisonment**, or both, in the discretion of the court. § 1973 1879, cc. 97, 203. No **railroad** company shall permit the loading or unloading of any **freight** car on Sunday; nor shall permit any car, train of cars, or locomotive to be run on Sunday on any railroad, except such as may be run for the purpose of transporting the United States **mails**, either **with** or without **passengers**, and except such as shall be run for carrying **passengers** exclusively, and except such as shall be run for the purpose of transporting **fruits, vege-**

**tables, live stock and perishable freights** exclusively: Provided, that the word Sunday in this section shall be construed to embrace only that portion of day between **sunrise and sunset**; and that **trains in transitu**, having started on Saturday, may, in order to reach the terminus or shops, **run until nine o'clock, A. M.** on Sunday, but not later, nor for any other purpose than to reach the terminus or shops. And any railroad company violating this section shall be guilty of a **misdemeanor** in each county in which car, train of cars or locomotive shall run, or in which any such freight car shall be loaded or unloaded; and upon conviction shall be fined not less than \$500 for each offense, the fine when collected to be paid to the State Treasurer **for the use of the public schools**.—Counties of Carteret and Onslow exempt from § 1116. Justices **jurisdiction** and punishment not exceed **fine of \$50 or imprisonment** for thirty days.

**NORTH DAKOTA.**—§ 6238. The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless; and serious interruptions of the repose and religious liberty of the community. § 6239. Any violation of this prohibition is Sabbath breaking. § 6240. Under the term "day" as employed in the phrase "first day of the week," in the seven sections following, is including all the time from **midnight to midnight**. § 6241. The following are the acts forbidden to be done on the first day of the week, the doing any of which is Sabbath breaking: 1. Servile **labor**; 2. Public **sports**, 3. Trades, manufactures and mechanical employments; 4. Public **traffic**; 5. Serving **process**. § 6242. All manner of servile labor on the first day of the week is prohibited, excepting works of necessity or charity. § 6243. It is a sufficient defense in proceedings for servile labor on the first day of the week to show that



the accused uniformly **keeps another day** of the week as holy time; that the labor complained of was done in such manner as not to interrupt or **disturb** other persons in observing the first day of the week as holy time. § 6244. All shooting, sporting, horse racing, gaming or other public sports, upon the first day of the week, are prohibited. § 6245. All trades, manufactures and mechanical employments upon the first day of the week, are prohibited. § 6246. All manner of public selling, or offering, or exposing for sale publicly, of any commodities upon the first day of the week, is prohibited, **except** that **meats, milk and fish** may be sold at any time before nine o'clock in the morning and except that food may be sold to be eaten upon the premises where sold, and **drugs** and medicines and surgical appliances may be sold at any time of the day. § 6247. All service of legal process of any description whatever, upon the first day of the week, is prohibited, except in cases of breach of the peace, or apprehended breach of the peace, etc.. § 6248. Every person guilty of Sabbath breaking is punishable by a fine of **\$1** for each offense. § 6250. Whoever maliciously procures any **process** in a civil action to be served on Saturday upon any person who **keeps Saturday** as holy time, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

OHIO.—§ 7032a. Whoever on the first day of the week, commonly called Sunday, participates in or exhibits to the public, with or without charge for admittance, in any building, room, ground, garden or other place in this State, any **theatrical** or dramatical performance of any kind or description, or any equestrian or circus performance of jugglers, acrobats, rope dancing, sparring exhibitions, variety shows, negro minstrelsy, living statuary, ballooning, or any **base ball** playing, or any tennis, or other games of similar kind or kinds, or participate in keeping any low or disorderly house or resort, or shall

sell, dispose of, or give away any ale, beer, porter or spirituous **liquors** in any building appendant or adjacent thereto, when any such show, performance or exhibition is given, or houses or places is kept he or she shall, on complaint made within twenty days thereafter, be fined in any sum not exceeding **\$100**, or be confined in the county jail not exceeding six months, or both, at the discretion of the court.—[April 9, 1881, 78 v., 126.] § 7033. Whoever, being **over fourteen years** of age, engages in common **labor** on Sunday (works of necessity and charity excepted) shall on complaint made within ten days thereafter be fined not more than **\$5**, but this section does not extend to those who conscientiously observe the **seventh day** of the week as the Sabbath, nor shall it be construed so as to prevent families **emigrating** from traveling, **watermen** from landing their passengers, superintendents or keepers of toll bridges or **toll gates** from attending the same, or **ferrymen** from conveying travelers over waters. [61 v., 104, 29 v., 161; Sec. 14.] § 8176. If the third day of grace be the first day of the week, the demand of payment from maker of any bond, **note**, etc., shall be made on the next preceding business day. § 3177. If the first day of January be the first day of the week, the succeeding Monday shall, for the same purpose, be considered as the first day of the week. § 4951. Unless otherwise specially provided the time within which an act is required by law to be done shall be **computed** by excluding the first day and including the last, and if the last be Sunday it shall be excluded. [51 v., 57, Sec. 597.] § 5458. No person shall be **arrested** on the first day of the week, commonly called Sunday. This does not extend to crimes, etc. § 7032. Whoever, being **over fourteen years** of age, engages in **sporting**, rioting, **quarrelling**, **hunting**, **fishing** or shooting on Sunday shall, on complaint made within ten days thereafter, be fined not more than **\$20**, or **imprisoned** not more than twenty days, or both.

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OREGON, — § 1909. No person shall **keep open** any house or room in which intoxicating **liquor** is kept for retail on the first day of the week, commonly called Sunday, or give or sell or otherwise dispose of intoxicating liquors on that day, any person violating this section shall be fined in any sum not exceeding **\$25** nor less than **\$10** for each offense; and such fine to be for the **use of common schools** in the county in which the offense was committed; provided, that this section, so far as it prohibits keeping open a house or room, shall **not apply to tavern-keepers.** § 1569. If the crime charged be a felony the arrest may be made on any day and at any time of the day or night; but if it be a misdemeanor, the **arrest** cannot be made on a Sunday, unless upon the direction of the magistrate, indorsed upon the warrant. § 1896. If any person shall serve or execute any civil **process** on a Sunday or the Lord's Day such service shall be void, and such person, upon conviction thereof, shall be punished by a fine not less than **\$5** nor more than **\$50.** § 1890. If any person shall **keep open** any store, shop, grocery, ball alley, billiard room or tippling house for purpose of **labor or traffic**, or any place of amusement, on the first day of the week, commonly called Sunday or the Lord's Day, such person, upon conviction thereof, shall be punished by a fine not less than **\$5** or more than **\$50**; provided, that the above provision shall not apply to the keepers of **drug** stores, doctor shops, **undertakers, livery stable keepers, barbers, butchers, and bakers**; and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as **questions of fact for the jury** to determine when the offense is tried by a jury.

PENNSYLVANIA.—(Sunday) Sec. 1. No person or persons, upon the first day of the week, shall *serve or execute, or caused*

to be served or executed, any **writ**, precept, warrant, order, judgment or decree, except in case of treason, felony or breach of the peace; but the serving of any such writ, precept, warrant, order, judgment or decree shall be void, to all intents and purposes whatsoever; and the person or persons so serving or executing the same shall be as liable to the suit of the party grieved and to answer damages to him for doing thereof, as if he or they had done the same without any writ, precept, warrant or order, judgment or decree at all.

§ 2. No part of any act of assembly heretofore passed, shall be construed to require any **canal or railroad** company to attend their works on the Sabbath days, for the purpose of expediting or aiding the passage of any boat, craft or vehicle along the same; any clause or clauses in their respective charters, imposing a penalty for not aiding boats, crafts or vehicles to pass within a certain time, to the contrary notwithstanding.

§ 3. If any person shall do or perform any **worldly employment or business** whatsoever on the Lord's Day, commonly called Sunday (works of necessity and charity only excepted), shall use or practice any unlawful **game, hunting, shooting, sport** or diversion whatsoever on the same day, and be convicted thereof, every such person so offending shall, for every such offense, forfeit and pay **\$4** to be levied by distress; or in case he or she shall refuse or neglect to pay the said sum, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall suffer six days' imprisonment in the house of correction of the proper county. Provided, always, that nothing herein contained shall be construed to prohibit the dressing of victuals in private families, **bake-house**, lodging houses, inns and other houses of entertainment for the use of sojourners, travelers or strangers, or to hinder **watermen** from landing their

passengers, or **ferry**men from carrying over the water travelers, or **persons removing** with their families on the Lord's Day, commonly called Sunday, nor to the delivery of **milk or the necessaries of life, before nine of the clock in the forenoon**, nor **after five** of the clock in the afternoon of the same day. § 4. Provided, always, that every such **prosecution** shall be commenced within **seventy-two hours** after the offense shall be committed. § 5. All persons who are found drinking and **tippling** in ale houses, taverns, or other public house or place, on the first day of the week, commonly called Sunday, or any part thereof, shall, for every offense, forfeit and pay **one shilling and six pence** to any constable that shall demand the same to the use of the poor; and all constables are hereby empowered, and by virtue of their office required, to search public houses and places suspected to entertain such tipplers, and then, when found, quietly to disperse; but in case of refusal, to bring the persons so refusing before the next justice of the peace, who may commit such offenders to the stocks, or bind them to their good behavior, as to him shall seem requisite. And the keepers of such ale houses, taverns or other public house or place as shall countenance or tolerate any such practices, being convicted thereof by the view of a single magistrate, his own confession, or the proof of one or more credible witnesses, shall, for every offense, forfeit and pay **ten shillings**, to be recovered as and for the uses above said. § 6. Provided, always, that nothing in this act be construed to prevent victualling houses, or other public house or place from supplying the necessary occasions of travelers, inmates, lodgers or others, on the first day of the week, with victuals and drink in moderation, for refreshment only; of which necessary occasion for refreshment, as also moderation, the magistrate before whom complaint is made shall be judge; any *law, usage or custom* in this province to *the contrary notwithstanding*. § 7. It

shall not be lawful for any person or persons to sell, trade or barter in any spirituous or malt **liquors**, wine or cider on the first day of the week, commonly called Sunday; or for the keeper or keepers of any hotel, inn, tavern, ale house, beer house, or other public house or place knowingly to allow or permit any spirituous or malt liquors, wine or cider, to be drank on or within the premises or house occupied or kept by such keeper or keepers, his, her, or their agents or servants, on the said first day of the week. § 8. Any person or persons violating the provisions of the foregoing section, shall, for each and every offense, forfeit and pay the sum of **\$50, one-half** of which shall be paid **to the prosecutor**, and the other half to the guardians of **the poor** of the city or county in which suit is brought, or in the counties having no guardians of the poor, then to the overseers of the poor of the township, ward or borough in which the offense was committed; to be recovered before any mayor, alderman, burgess or justice of the peace, as debts of like amount are now by law recoverable, in any action of debt brought in the name of the commonwealth, as well for the use of the guardians of the poor (or for the overseers of the poor of the township, ward or borough, as the case may be) as for the person suing: provided, that when any prosecutor is himself a witness, on any trial under the provisions of this section, then the whole penalty of forfeiture shall be paid to the guardians or overseers as aforesaid; and provided further, that it shall be a misdemeanor in office, for any such mayor, alderman, burgess or justice of the peace, to neglect to render to the said guardians of the poor and prosecutor the amount of such penalty, within ten days from the payment of the same. § 9. In **addition to the civil penalties** imposed by the last preceding section, for violation of the provisions of the first section of this act, every person who shall violate the provisions of that section, shall be taken and deemed to have committed a misdemeanor, and shall, on convic-

tion thereof, in any criminal court in the commonwealth, be fined in any sum not less than \$10, nor more than **\$100**, and be **imprisoned** in the county jail for a period not less than ten, nor more than sixty days, at the discretion of the court. § 10. All penalties, fines and forfeitures imposed, incurred or paid, under the act to which it is a supplement, except so far as part thereof is payable to the prosecutor shall be paid over to the guardians, directors or other representatives of the poor of the city, district or county in which the offense was committed. § 17. There shall be no **hunting** or shooting or **fishing** on the first day of the week, called Sunday, and any person offending against the provisions of this section shall be liable to a penalty of **\$25**. § 24. It shall not be lawful for any person, with or without license, to furnish by sale or gift or otherwise to any person any spiritous, vinous, malt or brewed **liquors**, on any day upon which elections are now or hereafter may be required to be held, nor on Sunday, nor at any time to a minor or a person of known intemperate habits, or a person visibly affected by intoxicating drink, either for his or her use, or for the use of any other person, or to sell or furnish liquors to any person on a **pass-book or order** on a store, or to receive from a person any **goods**, wares, merchandise or provisions in **exchange** for liquors, shall be held and deemed a misdemeanor, and upon conviction thereof the offender shall be fined not less than \$50 nor more than **\$500**, and undergo an imprisonment of not less than twenty nor more than ninety days.

**DECISIONS.**—The offense of **working** on Sunday, does not amount to a breach of the peace. *Commonwealth v. Eyre*, 1 S. & R., 350. Unless it be carried on in public, and in such a manner as to disturb those who keep it as a day of rest and religious observance. Thus, the **crying of newspapers** in the public streets on Sunday is a **breach of the peace**. *Commonwealth v. Teermann*, 1 Phila., 460. And so is the **dri-**

**ving** of a **public conveyance**, as a passenger car for hire. *Commonwealth v. Jeandell*, 2 Gr., 506. See s. c. 3 Phila., 509. But the pilot who, in the discharge of his ordinary occupation, **pilots** a canal boat on that day, is liable for the penalty. The **canal company** is not required to stop travel upon their works on Sunday, though relieved from any penalty for so doing. *Scully v. Commonwealth*, 35 Penn. St., 511. This act is binding on **Jews** and others who keep the seventh day as their Sabbath. *Commonwealth v. Wolf*, 3 S. & R., 48. *Specht v. Commonwealth*, 8 Penn. St. 312. As a civil and political institution the establishment and regulation of the Sunday, is within the just powers of the civil government. *Lindenmuller v. People*, 33 Barb., 548. The acts in favor of **liberty of conscience** are not in consistency with the Sunday laws; these are not intended to enforce religion, but to protect the social customs of the people. *Commonwealth v. Nesbit*, 34 Penn. St., 368. Driving a public conveyance for the **transportation** of passengers, is **not** a work of **necessity**. The traveling which is not forbidden, is that by private conveyance. *Johnston v. Commonwealth*, 22 Penn. St., 102; *Sparhawk v. Union Passenger Railway Co.*, 54 *Ibid*, 401. The act embraces **every kind of worldly employment**, whether in the exercise of a person's ordinary calling or not. *Kepner v. Keefer*, 6 W., 522; *Johnston v. Commonwealth*, 22 Penn. St., 102. The business of a **barber** in shaving his customers on Sunday morning is within the prohibition. *Commonwealth v. Jacobus*, 1 Leg. Gaz. R., 491; *Commonwealth v. Williams*, 1 Pears, 61. And a **contract** for the publication of an **advertisement** in a **newspaper** to be issued and sold on **Sunday**, is **void**. *Smith v. Wilcox*, 24 N. Y., 353. The selling of goods out of a party's store on Sunday, renders him liable for a **separate penalty for each act of selling to a different customer**. *Reiff v. Commonwealth*, 42 Leg. Ing., 90; *Duncan v. Commonwealth*, Pears, 213. A licensed inn keeper who **sells**

**ice cream** to others than sojourners, travelers or strangers, is within exception in § 3. *Commonwealth v. Bosch*, 15 W. N. C., 316. Selling **liquor** to a **traveler**, on Sunday, is a violation of the Act of 1794. *Omit v. Commonwealth*, 21 Penn. St., 426; and also see *Commonwealth v. Naylor*, 34 *Ibid.*, 86; *Commonwealth v. Bosch*, 15 W. N. C., 316.

RECENT DECISIONS.—It is the “performing any worldly employment or business” on Sunday that Pennsylvania act of April 22, 1794, prohibits. One who keeps his shop open and makes several distinct sales to different persons, is guilty of but one offense and liable to but one fine. *Friedeborn v. Commonwealth*, 113 Pa. St., 242; S. C. 57 Am. Rep., 464. A baker kept his shop open on Sunday and sold ice cream and

cakes, Held, that he was properly convicted under statutes making it an offense to perform worldly employment and business on Sunday. Appeal of *Burry*, 1 Pa. Sup. Ct. Cas. 80.

A Sunday Law provided that prosecutions should be commenced within seventy-two hours after the offense was committed. A case stated, filed eight years after the time of the commission of the alleged offense, provided that if the court should deem the act alleged a violation of the statutes, “if the suit had been brought in proper time,” then judgment to be entered for the commonwealth, otherwise for defendant. Held, that a writ of error to a judgment entered for defendant, should be quashed. *Com. v. Keithan*, 1 Pa. Sup., Ct. Cas. 368.

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[Form of State Petition, when Efforts are made to Weaken the Sabbath Laws.]

**To the State Senate of**.....(Duplicate to House.)

The undersigned, citizens of the town or city of..... respectfully represent that great advantages have accrued, to the public and private interests of the people of this State, from the operation of the laws upon our statute books in relation to the observance of the first day of the week, and they, therefore, pray your honorable body that no act be passed that will in any way impair the efficiency of the laws which now secure to the toiler his needed weekly rest.

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NAMES.	OCCUPATIONS.

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**SABBATH REFORM DOCUMENTS, Vol. I, No. 25, MAR. 27, 1890.**

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**RHODE ISLAND.**—Ch. 87, § 25. If any person shall at any time **offer to sell, sell or suffer to be sold** by any person, by sample or otherwise, any ale, wine, rum or other strong or malt **liquors**, or any mixed liquors a part of which is ale, wine, rum or other strong or malt liquors, in violation of the preceding sections of this chapter or any of them, he shall be sentenced on the first conviction to pay a fine of **\$20 and all costs** of prosecution and conviction and be **imprisoned** in the county jail for ten days; on the **second conviction** he shall be sentenced to pay a fine of **\$50 and all costs** of prosecution and conviction and be **imprisoned** in the county jail three calendar months; and on the third and **subsequent conviction** he shall be sentenced to pay a fine of **\$100 and all costs** of prosecution and conviction and be **imprisoned** in the county jail not less than three months nor more than six calendar months. § 26. If any person shall keep or suffer to be kept on his premises or possessions, or under his charge, for the purposes of sale, in violation of the preceding sections of this chapter or any of them any ale, wine, rum or other strong or malt liquors, or any mixed liquors a part of which is ale, wine, rum or other strong or malt liquors he shall be fined **\$20** and be imprisoned in the county jail ten days. § 31. No sale of the **liquors** enumerated in § 25 and § 26 of this chapter shall be made on Sunday, except by registered **pharmacists** or registered assistant pharmacists upon a physician's prescription. \* \* \* Any person who shall be convicted of offering to sell, selling or suffering to be sold by any person, by sample or otherwise, any of the liquors enumerated in § 25 and § 26 of this chapter on Sunday except as provided in this section \* \* \* shall be fined **\$20 and be imprisoned** in the county jail for ten days on the first conviction; and on the second conviction **he shall be fined \$50 and be impris-**

**oned** in the county jail three months; and in each case such sale or offer to sell on Sunday or on any prohibited days or hours as aforesaid shall be made or suffered to be made by any person holding a license under the provisions of this chapter, such **license** shall be **forfeited** and such person shall be **disqualified to receive a license** for the sale of intoxicating liquors for the period of two years after his conviction. § 57. The mayor or aldermen of any city, or the town council of any town, or either member thereof, or the chief of police of any city or town, or any **police** officer or any constable specially authorized by said board of aldermen or town council, or any member of State police, **may at any time enter upon the premises** of any person licensed or authorized to sell under the provisions of this chapter, to ascertain the manner in which such person conducts his business and to preserve order; and every such chief or police officer, constable or member of the State police shall have the power to arrest, without a warrant, all persons found actually engaged in the premises thus entered in the commission of any offense in violation of any of the provisions of this chapter, and to keep such persons so arrested in custody until they can be brought before some magistrate of the same city or town (but for a period not to exceed twenty-four hours), having the proper jurisdiction of such offense, to be dealt with according to law; and whenever any person is **seen to drink** any intoxicating liquor in such premises or in any part thereof on Sunday or on other days or hours prohibited under the provisions of this chapter, it shall be **evidence** that such liquors were sold and kept for sale by the occupant of such premises or his authorized agent.

Ch. 88, § 3. Town councils may license such exhibitions and performances within their several towns for such term not exceeding one year and subject to such

regulations and restrictions as they may prescribe; but **no license** shall authorize any such **exhibition** or performance to be given on the first day of the week. Ch. 90, § 9. No business to be transacted by **pawnbrokers** on the first day of the week. Ch. 92, § 3. Every person, not being at the time under military duty, who shall **discharge any rifle**, musket, fowling-piece, pistol or other small arms, \* \* \* shall anywhere discharge any of such arms on Sunday, shall be fined not exceeding **\$20**. Ch. 208, § 34. No **civil process** whatsoever shall be served on Sunday, but every such service shall be utterly void. Ch. 244, § 15. Every person who shall do or exercise any **labor or business** or work of his ordinary calling, or use any game, sport, play or recreation on the first day of the week, or suffer the same to be done or used by his children, servants or apprentices, works of necessity and charity only excepted, shall be fined not exceeding **\$5** for the first offense and **\$10** for the second and every **subsequent offense**. § 16. Every person who shall employ, improve, set to work or encourage the servant of any other person to commit any act named in the preceding section shall suffer the like punishment. § 17. All **complaints** for violations of the provisions of the preceding two sections shall be made **within ten days** after the committing thereof and not afterwards. Ch. 38, § 20. Town councils and **city councils** may make police regulations against breakers of the Sabbath.

Session Laws 1889, Ch. 816, § 24. No sale of the **liquors** enumerated in sections 1, 19 and 20 of this chapter shall be made on Sunday, except by registered **pharmacists** or registered assistant pharmacists upon a physicians prescription. Any person who shall be convicted, shall be fined **\$20**. § 50. And whenever any person is **seen to drink** any intoxicating **liquor** in such premises or in any part thereof on Sunday, it shall be **evidence** that such liquors *were sold and kept for sale by the occupant of such premises of his* authorized

agent. § 58. Every person licensed to sell intoxicating **liquors** shall cause to be **removed** on his licensed premises all **obstructions** of whatever kind that may prevent a clear **view of the interior** of the same from the outside thereof, by the passer by, through the window, during the entire day of each Sunday; and every person violating the provisions of this section shall be fined **\$20**.

SOUTH CAROLINA.—§ 663. No civil or criminal **process** shall be served on Sunday, except for treason, felony or breach of the peace. Nor shall any female be arrested in any civil action, except for a willful injury to persons, character or property. § 664. It shall be lawful for the Sheriff, Deputy Sheriff or jailer to retake on Sunday, as on any other day, and at Court, muster or any other place, any prisoner who has escaped. § 1475. It shall be **unlawful** for any **railroad** corporation owning or controlling railroads operating in this State to load or unload, or permit to be loaded or unloaded, or to run or permit to be run, on Sunday, any locomotive, cars or train of cars, moved by steam power, except as hereinafter provided, and except to unload cars loaded with **animals**. § 1476. It shall be lawful for said corporations or persons to run on said day, "during the months of April, May, June, July and August, trains laden exclusively with **vegetables** and **fruits**, and on said day in any and every month," their regular **mail** trains and such construction or other trains rendered necessary by **extraordinary emergencies, other than those incident to freight or passenger traffic**, "and such **freight** trains as may be in transitu which can reach their destination by **six o'clock A. M.**"

§ 1477. It shall be lawful for any train running by a schedule in conformity with the provisions of this chapter, but delayed by **accident** or other unavoidable circumstance to be run until it reaches the point at which it is usual for it to rest upon a Sunday. § 1478. For a willful violation of the provisions of sec-

tions 1475, 1476, and 1477 of this chapter, the railroad company so offending shall forfeit to the State **\$500**, to be collected in any court of competent jurisdiction.

§ 1631. No tradesman, artificer, workman, laborer or other person whatsoever, shall do or exercise any worldly **labor, business**, or work of their ordinary callings upon the Lord's Day (commonly called the Sabbath), or any part thereof (works of necessity or charity only excepted); and every person, being of the age of **fifteen years or upwards**, offending in the premises, shall, for every such offense, forfeit the sum of **\$1**. § 1632. No person or persons whatsoever shall publicly cry, show forth, or **expose to sale** any wares, merchandise, fruit, herbs, goods, or chattels whatsoever, upon the Lord's Day, or any part thereof, upon pain that every person so offending shall **forfeit** the same **goods** so cried, or showed forth, or exposed to sale. § 1633. No public **sports** or pastimes, as bear-baiting, bull-baiting, foot-ball playing, horse-racing, interludes, or common plays, or other games, exercises, sports, or pastimes whatsoever, shall be used on the Lord's Day by any person or persons whatsoever; and every person or persons offending in any of the premises shall forfeit for every offense the sum of **\$1**. § 2592. Whoever shall keep, or suffer to be kept, any gaming table, or permit any game or **games** to be played in his, her, or their houses, on the Sabbath day, such person or persons, on conviction thereof before any Court having jurisdiction, shall be fined in the sum of **\$50**, to be sued for on behalf of, and to be recovered for, the use of the State.

SOUTH DAKOTA.—Same as North Dakota.

TENNESSEE.—§ 2289. If any merchant, artificer, tradesman, farmer or other person shall be guilty of doing or exercising any of the **common avocations** of life, or of causing or permitting the same to be done by his children or servants, acts of real necessity or charity

excepted, on Sunday, he shall, on due conviction thereof before any justice of the peace of the county, forfeit and pay **\$3, one-half to the person who will sue for the same**, the other half for the use of the county.

[DECISION: **Barbering** on Sunday may subject the barber to the penalty proscribed, but is not indictable either as a nuisance or a misdemeanor. 7 Bax., 95.] § 2290. Any person who shall **hunt, fish** or play at any game of **sport**, or be **drunk on Sunday**, as aforesaid, shall be subject to the same proceedings and liable to the **same penalties** as those who work on the Sabbath. § 46. The time within which any act provided by law is to be done, shall be **computed** by excluding the first day and including the last, unless the last day is Sunday, and then it also shall be excluded. § 5671. No licensed grocer or other person in this State shall retail spirituous **liquors** on Sunday. The punishment of this offense shall be **fine and imprisonment** at the discretion of the court.

LAWS OF 1889, Ch. 31.—§ 1. The law of this State prohibiting the sale of liquor on Sunday as compiled in section 5671, is so amended as to prohibit the sale on Sunday of any malt, vinous, fermented or other intoxicating **liquors**, or to **keep open** on Sunday any place where such liquors are sold or dispensed, and any person offending shall be punished as provided in said act; provided that the provisions of this act shall not apply to **druggists** selling on the prescription of a practicing physician; provided, further, that **restaurants** and eating houses where spirituous, vinous and malt liquors are sold under the license law of the State on week days, shall be allowed to conduct their **eating** department on Sunday, but the bar room shall be closed, and no drinks of any kind sold.

§ 3529. Civil **process** may be issued on the Sabbath, on the application of any party, supported by oath or affirmation, that the defendant is removing, etc. § 3612. Actions may be abated by plea of the defendant in the following case: Where the process is issued or served



on Sunday, except in the cases prescribed in section 2529.

TEXAS.—ART. 183. Any person who shall hereafter **labor**, or compel, force, or oblige his employees, workman, or apprentices to labor, on Sunday, or any person who shall hereafter **hunt** game of any kind whatsoever on Sunday **within one-half mile** of any church, school house, or private residence, shall be fined not less than \$10 nor more than \$50. Art. 184. The preceding article shall not apply to household duties, works of necessity or charity; nor to necessary work on farms and plantations in order to prevent the loss of any crop; nor to **the running of steamboats and other water crafts, rail cars, wagon trains, common carriers, nor to the delivery of goods by them** or the receiving or storing of said goods by the parties, or their agents to whom said goods are delivered, nor to stages carrying the United States **mail**, or **passengers**; nor to foundries, sugar mills, or herders who have a herd of stock actually gathered and under herd; nor to persons **traveling**; nor to **ferry-men** or keepers of **tollbridges**, keepers of hotels, boarding houses, and restaurants and their servants; nor to keepers of **livery stables** and their servants; nor to any person who conscientiously believes that the **seventh** or any other **day** of the week ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for religious reasons. Art. 185. Any person who shall run or be engaged in running any **horse race**, or who shall permit or allow the use of any nine or ten pin alley, or who shall be engaged in match-shooting, or any species of **gaming** for money or other consideration, within the limits of any city or town on Sunday, shall be fined not less than \$20 nor more than \$50. Art. 186. Any merchant, grocer, or dealer in wares or mer-

chandise, or trader in any business whatsoever, or the proprietor of any place of public amusement, or the agent or employee of any such person, who shall sell or barter, or permit his **place of business or place of public amusement to be open** for purpose of traffic or public amusement, on Sunday shall be fined not less than \$20 nor more than \$50. The term place of public amusement shall be construed to mean circuses, theatres, variety theatres, and such other amusements as are exhibited and for which an **admission fee** is charged; and shall also include **dances** at disorderly houses, low dives and places of like character, with or without fees of admission. Art. 186a. The preceding article shall not apply to markets or dealers in **provisions** as to sales of provisions made by them before 9 o'clock A. M., nor to the sale of burial or shrouding material, **newspapers**, ice, ice cream, milk, nor to the sending of **telegraph or telephone** messages at any hour of the day, nor to keepers of **drug** stores, hotels, boarding houses, restaurants, **livery stables, barber shops, bath houses, or ice dealers**, nor to telegraph or telephone offices.

(Civil Code.)—Art. 391. **City Councils** shall have power to close drinking houses, **saloons**, barrooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold on Sundays, and **prescribe hours for closing them, and also all places of amusement and business.**

Charter of the city of **Dallas**. Sec. 106. The City Council shall have power, to open, close and regulate **saloons** and all places where intoxicating or fermenting liquors are sold, on Sundays, and to **prescribe what hours on Sunday such sales can be made**, and what hours such places must be closed and sales prohibited; and **all places of amusements and business.**

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**UTAH.**—**SEC. 4514.** Every person who, on Sunday, gets up, exhibits, opens, or maintains, or aids in getting up, exhibiting, opening, or maintaining any bull, bear, cock, or prize fight, horse race, circus, gambling house, or saloon, or any barbarous and **noisy amusement**, or who keeps, conducts, or exhibits any **theatre**, melodeon, **dance**, cellar, or other place of musical, theatrical, or operatic performance, spectacle, or representation where any wines, **liquors**, or intoxicating drinks are bought, sold, used, drank, or given away, or who purchases any **ticket of admission**, or directly or indirectly pays any admission fee to or for the purpose of witnessing or attending any such place, amusement, spectacle, performance, or representation, is guilty of a misdemeanor. § 4515. Every person who **keeps open** on Sunday **any store**, workshop, bar, **saloon**, banking house, or other place of business, for the purpose of transacting business therein, is punishable by fine not less than \$5, nor more than **\$100**.

§ 4516.—The provisions of the preceding section do not apply to persons who, on Sunday, keep open hotels, boarding houses, **baths**, restaurants, taverns, **livery** stables, or retail **drug** stores for the legitimate business of each, or such manufacturing establishments as are usually kept in continued operation. § 4519. Every person who performs any **unnecessary labor**, or does any unnecessary business on Sunday, is guilty of a misdemeanor and shall be fined in any sum not exceeding **\$25**.

§ 4520.—Labor employed by employees of such works as are usually kept in constant operation, and in **irrigating**, is not included in the foregoing section.

§ 4521.—For the purpose of this act, Sunday shall commence at **midnight** Saturday, and terminate the following **midnight**.

**VERMONT.**—**SEC. 4315.** A person who between **twelve o'clock Saturday**

**night** and **sunset** on the following Sunday exercises any **business** or employment except such only as works of necessity and charity, or is present at any public assembly except such as is held for social and religious worship and moral instruction, or **travels**, except from necessity or charity, or **visits** from house to house except from motives of humanity or charity or for moral or religious edification, or holds or resorts to any **ball** or dance, or uses or exercises any game, **sport** or play, or **resorts to any tavern**, inn, or house of entertainment for amusement or recreation, shall be fined not more than **\$2**. § 4316. A person who **hunts**, shoots or pursues, takes or kills wild game or other birds or animals, or discharges firearms except in the just defense of person or property or in the performance of military or police duty, on Sunday, shall be fined **\$10, one-half to go to the person who makes the complaint** and one-half to the State.

§ 670.—No **process**, except escape warrants and warrants for apprehending a principal in favor of bail, and in cases of treason, felony, and breaches of the peace, shall be served or executed on a resident of the United States after sunset on Saturday, until after twelve o'clock at night of the following Sunday; and any such attempted service thereof shall be void.

Laws of 1888, No. 18. The Board of Railroad Commissioners may authorize the running upon any railroad of such **through trains** on Sunday as, in the opinion of the Board, the public **necessity and convenience** may require, having regard to the due observance of the day.

**VIRGINIA.**—§ 898. No civil **process** shall be served on Sunday, except in cases of persons escaping out of custody, or where it may be specially provided by law. § 2970. Such **attachment** may be issued or executed on a Sunday, if oath be made that the defendant is

actually removing his effects on that day. § 3799. If a person, on a Sabbath day, be found **laboring** at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall forfeit **\$2** for each offense. Every day any servant or apprentice is employed shall constitute a distinct offense. § 3801. No **railroad** company, receiver or trustee controlling or operating a railroad shall, by any agent or employee, load, unload, run or transport upon such road on a Sunday any car, train of cars, or locomotive, nor permit the same to be done by any such agent or employee **except** where such cars, trains, or locomotives are used exclusively for the relief of wrecked trains or trains so disabled as to obstruct the main track of the railroad, or for the transportation of the United States **mail**, or for the transportation of **passengers** and their baggage, or for the transportation of **live stock**, or for the transportation of **articles** of such **perishable** nature as would be necessarily impaired in value by one day's delay in their passage. Provided, however, that if it should be necessary to transport live stock or perishable articles on a Sunday to an extent not sufficient to make a whole train load, such train load may be **made up with cars loaded with ordinary freight**. § 3802. The word "Sunday" in the preceding section shall be construed to embrace only that portion of the day between **sunrise and sunset**, and **trains in transit** having started prior to twelve o'clock on Saturday night, may, in order to reach the terminus or shops of the railroad, run until **nine o'clock** the following Sunday morning, but not later. [The very reading of the two foregoing Sections in an audience in Richmond raised a roar of laughter, so completely had the tail of the snake, the exceptions, eaten up the head and body. Evidently, Virginia's government has been of, by and for the railroads.] § 3803. Any railroad company receiver or trustee violating the provisions of section thirty-eight hundred and

one, shall be deemed to have committed a separate offense in each county or corporation in which such car, train of cars, or locomotive shall run, or in which such car or train of cars shall be loaded or unloaded; and shall be fined not less than **\$50**, nor more than **\$100** for each offense. [An absurdly small fine for a corporation.] § 3804. No barroom, **saloon**, or other place for the sale of intoxicating liquors, shall be **opened**, and no intoxicating bitters or other drink shall be sold in any barroom, restaurant, saloon, store, or other place, between **twelve o'clock on any Saturday night and sunrise** of the succeeding **Monday morning**. If any person violate the provisions of this section he shall be fined not less than **\$10** nor more than **\$500**; and shall, also, in the discretion of the court, forfeit his license: but **nothing** herein contained shall **apply to any city having police regulations on this subject**, and an ordinance prescribing a penalty equal to that imposed by this section. § 3806. If any person **carry any gun**, pistol, bowie knife, dagger or other dangerous weapon, **to a place of worship** while a meeting for religious purposes is being held at such place, or, without good and sufficient cause therefor, carry any such weapon on a Sunday at any place other than his own premises, he shall be fined not less than **\$20**. If any offense under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until a warrant can be obtained, but not exceeding three hours. It shall be the duty of every justice upon his own knowledge, or upon the affidavit of any person, that an offense under this section has been committed, to issue a warrant for the arrest of the offender. § 3949. Under Ch. 193 proceedings may be had for summoning a jury and witnesses, and an **inquest** may be held as well on Sunday as any other day. § 5. Where a **court** is directed to be held, or any other proceeding directed by law to take place on a particular day of a month, if that day

happen to be Sunday, the court shall be held or the proceeding take place on the next day. And where a law authorizes a court, or the proceedings of an officer, to be adjourned from day to day, an adjournment from Saturday to Monday shall be legal. Offense of violating Sabbath law punishable by a small fine, triable without a jury. *Ex parte Marx*, 9 Southeastern Reporter, 475. The fine prescribed for the violation of the Sabbath law is recoverable before a justice by a civil warrant. 9 Southeastern Reporter, 475.

WASHINGTON.—Sec. 865. If any person be found on the first day of the week, commonly called Sunday, engaged in any riot, **fighting** or offering to fight, **horse racing** or **dancing**, whereby any worshiping assembly or private family are **disturbed**, every person so offending shall, on conviction, be fined in the sum of not to exceed **\$100**, to be recovered before any justice of the peace in the county where such offense is committed, and shall be committed to the jail of said county until the said fine, together with the costs of prosecution, shall be paid. §1266. No person shall keep open any playhouse, **theatre**, **race ground**, **cock pit** or play at any **game of chance** for gain, or engage in any **noisy amusements**, or **keep open** any drinking or billiard saloon, or sell or dispose of any intoxicating **liquors**, as a beverage, on the first day of the week, commonly called Sunday. §1267. No judicial business shall be transacted by any **court**, except the deliberations of a jury, who have received a case on a weekday so called, and who receive further instructions from the court at their request, or deliver their verdict, nor any civil process be served by certifying or attesting officer, or any record made by the legally appointed or elected officer upon the day of the week commonly called Sunday; provided, that criminal **process** may issue for the apprehension of any person charged with crime, and criminal examination to be proceeded with. Writs of arrest, attachment and

injunctions may issue and be served on Sunday in all cases in which the said writs might have been issued and served under the provisions of the Civil Code, the Justices' Practice Act, and the Probate Practice Act. §1268. Any person violating any of the provisions of the two preceding sections of this act shall be punished, upon conviction thereof, by a fine of not less than **\$30** or more than **\$250** for each offense. §1266. All violations of the provisions of this title shall be triable in any court having jurisdiction thereof. §1270. The person or persons found guilty of any offense specified in this title, shall be fined as aforesaid, to be paid to the treasurer of the county for the **benefit of common schools**, and the offender shall stand committed until the fine and costs are paid, or the same be commuted by confinement, at the rate of **\$2** per day. §2067. It shall be unlawful for any person or persons of this territory, to **open** on Sunday for the purposes of trade, or sale of goods, wares and merchandise, **any shop**, store or building, or place of business whatever: provided, that this chapter shall apply to hotels only in so far as the sale of intoxicating **liquors** is concerned, and shall not apply to **drug stores**, **livery stables** and **undertakers**. §2068. Any person or persons violating the foregoing section shall be guilty of a misdemeanor and on conviction thereof be fined in any sum not less than **\$25** nor more than **\$100**. §2069. And it shall be the **duty of any and all public officers** of this territory, knowing of any violation of this chapter to **make complaint**, under oath, to the nearest justice of the peace from where the offense was committed. §2070. Any public officer who shall **refuse** or willfully **neglect** to inform against and prosecute offenders against this chapter shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than **\$25** nor more than **\$100**, and the court before which such officer shall be tried shall declare the office or appointment held by such officer vacant for the bal-

ance of his term. § 1743. A writ of **attachment** may be issued and executed on Sunday, if the plaintiff will show in his affidavit that the defendant is about to abscond on that day to the injury of the plaintiff.

WEST VIRGINIA.—Ch. 41. § 15. No civil **process** or order shall be executed on Sunday, except in cases of persons escaping from custody, or where it may be especially provided by law. Ch. 106. § 8. Such **attachment** may be issued or executed on Sunday if oath be made that the defendant is actually removing his effects on that day. Ch. 149. § 16. If a person on a Sabbath day, be found **laboring** at any trade or calling, or employ his minor children, apprentices, or servants in labor, except in household or other works of necessity or charity, he shall be fined not less than \$5. And every day any such minor child, or servant, or apprentice is so employed, shall constitute a distinct offense. And any person found **hunting**, shooting, or carrying firearms on the Sabbath day, shall be guilty of a misdemeanor and fined not less than \$5. Ch. 149. § 17. No forfeiture shall be incurred under the preceding section for the transportation on Sunday of the **mail**, or of **passengers** and their baggage, or for running **any railroad train or steamboat** on the Sabbath day, or for carrying fire-

arms or shooting on that day, by any person having the right to do so under the laws of the United States or of this State; and no forfeiture for laboring on the Sabbath day shall be incurred under the said section, by any person who conscientiously believes that the **seventh day** of the week ought to be observed as a Sabbath and actually refrains from all secular business and labor on that day, provided he does not compel an apprentice or servant not of his belief to do secular work or business on Sunday, and does not on that day **disturb** any other person in his observance of the same. And **no contract** shall be deemed **void** because it is made on the Sabbath day. Ch. 154. § 11. Under Chapter 154, proceedings may had for summoning jury and witnesses, and an **inquest** may be held as well on Sunday, as on any other day. Ch. 149. § 16. If any person, having a State license to sell spirituous **liquors**, wine, porter, ale, beer or any other intoxicating drink, shall \* \* \* sell or give any intoxicating drink to any one on Sunday, he shall be guilty of a misdemeanor and fined not less than \$20 nor more than \$100. § 17. A sale of any such liquors or drink by one person for another shall in any prosecution for such sale, be taken and deemed as a sale by both, and both may be indicted and fined therefor, either jointly or separately.

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## PETITION FOR AMENDMENT OF STATE SABBATH LAW.

To the State Senate of.....(Duplicate to House.)

The undersigned, adult residents of the city (or town) of..... hereby earnestly petition your honorable body to so amend our State laws with reference to the first day of the week, that, with the exception of works of real necessity and mercy, and private work by those who keep Saturday, all toil, and traffic and turmoil, whether by railroad or other corporations, or by individuals, shall be equitably forbidden and vigorously suppressed, and so our State enjoy the benefits of laws on this subject as good or better than the best.

**SABBATH REFORM DOCUMENTS, Vol. I, No. 27, APR. 3, 1890.**

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WILBUR F. CRAFTS, *Editor.*

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**SABBATH LAWS OF WISCONSIN AND WYOMING.**

**WISCONSIN.**—SEC. 4995. Any person who shall **keep open his shop**, warehouse or workhouse, or shall do any manner of **labor**, business or work, except only works of necessity and charity, or be present at any **dancing** or public **diversion**, show or entertainment, or take part in any sport, game or play, on the first day of the week, shall be punished by fine not exceeding **\$10**; and such day shall be understood to include the time between the **midnight** preceding and the **midnight** following the said day, and no civil **process** shall be served or executed on said day.

[DECISIONS: Gibbs & Sterrett Manufacturing Co. v. Brucker, III. U. S., 597; Taylor v. Young, 61 Wis., 314; Knox v. Clifford, 88 Wis., 651; Beeman v. Wesels, 19 N.W. Rep., 179. Contracts made on Sunday and valid in the State where made will be enforced by the courts of another State under whose laws they would be void. Swann v. Swann, 21 Fed. Rep., 289. Where a written lease is executed on Sunday and lessee enters into possession on that day, it is absolutely void and incapable of ratification. Vinz v. Beatty, 61 Wis., 645. Equity will perpetually restrain collection of an unjust judgment rendered in violation of a settlement made by the parties through bad faith of one of them, though such agreement was made on Sunday, Blakesley v. Johnson, 13 Wis., 530. This statute can be **violated but once on the same day** by the same person by doing work thereon, and but one penalty can be imposed. Friedeborn v. Commonwealth, 113 Pa. St., 242; 57 Am. Rep., 464. To charge an offense under this section the **complaint must show that the work done was not a work of necessity or charity.** Jensen v. State, 60 Wis., 577. In New York the rule is that the defendant must show that he is within the exception. Fleming v. People, 27 N. Y., 329; People v. Jefferson, 101 *id.*, 19. See note to Sec. 4596.]

§ 4596. Any person who conscientiously believes that the **seventh**, or any other **day** of the week ought to be observed as the Sabbath, and who actually refrains from secular business and labor on that day, may perform secular labor and business on the first day of the week, unless he shall wilfully **disturb** thereby some other person, or some religious assembly on said day. [DECISION. Party desiring to bring himself under the exception of this section has the burden of doing so. Troewert v. Decker, 51 Wis., 46. Complaint need not aver that defendant was not of the class described in this section. Deforth v. Wisconsin, etc., R.R. Co., 52 *id.*, 320.]

§ 1564. If any tavern keeper or other person shall sell, give away or barter any intoxicating **liquors** on the first day of the week, commonly called Sunday, or on the day of the annual town meeting or the annual Fall election, such tavern keeper or other person so offending shall be deemed guilty of a misdemeanor, and shall on conviction, be punished by a fine of not less than **\$5** nor more than **\$25**, or by **imprisonment** in the county jail not to exceed thirty days, or by both such fine and imprisonment.

§ 4276. Any **notice**, advertisement, statement or publication required by law or the order of any **court**, to be printed or published in any **newspaper**, may be printed and published in a newspaper **printed on Sunday**, and such printing and publication shall be a lawful publication, and a full compliance with the order of the court or officer ordering such publication, the same to all intents and purposes as though the same had been printed and published in a newspaper printed on a secular day, and any such notice, advertisement, statement or publication that may by law, or the order of any court, be required to be published for any given number of weeks, may be published on

any day in each week of such term, and if so published as many weeks and as many times in each week as may be required by such law or order, the same shall be as lawful a publication thereof, and as full a compliance with the order of such court or officer, as if the same had been printed and published on the same day of each such week. § 4278. No person shall serve or execute any **civil process** from midnight preceding to midnight following the first day of the week, and any such service shall be void, and any person serving or executing any such process, shall be liable in damages to the party aggrieved, in like manner and to the same extent as if he had not had any such process.

WYOMING.—§ 1034. It shall be unlawful for any one having license under the provisions of chapter one of title twenty-six to sell, give away or dispose of any spirituous, vinous or fermented liquors between the hours of ten o'clock, A. M., and two o'clock, P. M., on the Lord's Day, commonly called Sunday, in towns having a population five hundred or more. Whoever shall be convicted of a violation of this section shall be deemed guilty of a misdemeanor. [See partial repeal below.] § 2341. Unless otherwise specially provided, the **time** within an act is required by law to be done shall be **computed** by excluding the first day and including the last; and if the last be Sunday, it shall be excluded. (S. L., 1886, ch. 60, Sec. 5. R. S. O., Sec. 4951.)

Laws of 1888, Ch. 70.—§ 62. Except as otherwise provided in this article, the three days following the day on which a negotiable instrument becomes due by its terms, are allowed as **days of grace**, unless the last of such days is Sunday, or a legal holiday, in which case the next preceding business day shall be the last day of grace allowed. § 65. A negotiable instrument, on which days of grace are not allowed, which, by its terms, matures on Sunday, or on a legal holiday, is payable on the next preceding business day. § 66. If any *legal holiday, shall fall upon Sunday,*

the Monday following shall be a legal holiday within the meaning of this article. § 67. Sundays shall not be considered as business days within the meaning of this act, but **no negotiable instrument shall be rendered invalid by reason of being dated on Sunday.** Ch. 86., § 1. Every person or persons, company or corporation, having license to sell **liquors** under the laws of Wyoming territory, who shall **keep open**, or suffer his or their agent or employee to keep open, his or their place of business, or who shall sell, give away or dispose of or permit another to sell, give away or dispose of, on his or their premises, any spirituous, malt, vinous or fermented liquors, or any mixtures of any such liquors, on the first day of the week, commonly called Sunday, shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than \$25, or more than **\$100, or imprisonment** in the county jail not to exceed three months. § 2. It shall be unlawful for any person or persons, company or corporation, to **keep open any barber shop, store, shop or other place of business** for the transaction of business therein, upon the first day of the week, commonly called Sunday: provided, this section shall not apply to **newspaper printing offices, railroads, telegraph companies, hotels, restaurants, drug stores, livery stables, news depots, farmers, cattlemen and ranchmen, mechanics, furnaces or smelters, glass works, electric light plants and gas works, the vendors of ice, milk, fresh meat and bread,** except as to the sale of liquors and **cigars.** Any person, company or corporation who shall violate the provisions of this section, shall, on conviction thereof, be fined not less than \$25, nor more than **\$100**, for each offense. § 3. So much of section 1034 of the Revised Statutes as conflict with this act and other acts and parts inconsistent with this acts, are hereby repealed. § 4. For the purposes of this act Sunday, shall begin at **midnight Saturday** and terminate the following **midnight.**

**SABBATH REFORM DOCUMENTS, Vol. I, No. 28, APR. 7, 1880.**

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**DEFECTS OF U. S. SABBATH LAWS.**

There is no **Sabbath law** in Alaska, Arizona, California and Idaho. All defects alleged of other States and Territories are true in larger measure of these, as far as statutes are concerned. ("Sunday closing" of saloons is accomplished locally in Washington City and in some few cities in California by city ordinances.)

Connecticut, New Mexico and Vermont by statute, Georgia, Texas and Virginia indirectly, cut down the Sabbath to **less than 24 hours**. In Texas this is done for the sake of the saloons, by city charters, and in Connecticut, Georgia and Virginia for the sake of the railroads. When Vermont realizes that a circus or theatre is legal on Sabbath evenings the absurd "sunset law" will disappear.

"**Labor**" is not forbidden in Montana, Nevada and Washington, nor "**business**" in Colorado and Illinois, a defect which in the latter case has drawn out the protest of the Chicago clerks. The "**opening**" of places of business is not forbidden, but only actual traffic (which is hard to prove and costly), in Connecticut, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota and Vermont. (Not only selling but buying also is wisely forbidden in Iowa and New Mexico.)

The **Saturday keepers** have no exception in the laws of Colorado, Delaware, Florida, Georgia, Maine, Maryland, Nevada, Montana, New Hampshire, New Mexico, Pennsylvania, Vermont, Washington, Wyoming. The exceptions for them are made without due regard to the rights of the majority in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, New York, North Dakota, Ohio, South Dakota. (The only States that have just and practicable ex-

ceptions on this point are Arkansas and New Jersey.)

Every State is deficient in failing to protect **druggists** against needless toil and temptation to break the law by limiting their Sunday opening, as in Canada, to an hour or two.

The only State that sanctions Sunday **contracts** by statute is West Virginia. Negotiable paper is so sanctioned by Maine and Wyoming.

The "**opening**" of rooms where **liquors are commonly sold** is not forbidden, but only the sale or exposure to sale (which is hard and costly to prove), in Delaware, Indiana, Louisiana (exception for "table wines"), Nebraska, New Mexico, New York, North Carolina, Pennsylvania, West Virginia. Liquors are forbidden only inferentially as "labor" or "business" in Alabama, Colorado, Florida, Montana, Nevada and Texas do not even thus forbid them. All the States except Rhode Island and Massachusetts allow saloons to hide their secret sales by screens.

**Amusements** (more universally forbidden than anything else—Massachusetts, Michigan, Minnesota, New Mexico, wisely forbidding the attending as well as giving of entertainments, and Colorado and Utah including every gathering where admittance fee is charged; Ohio forbidding and no State permitting baseball) Massachusetts unwisely allows when license can be had, and permits also by the smallness of the fine, namely "\$5." Buffalo Bill got the license, but otherwise could have afforded the penalty.

Except New York, all the States are deficient in laws regulating **Sunday processions**.

Except Arkansas, Delaware, Indiana, Iowa, and Maine, the States legally sanction needless Sunday labor in trade or transportation or both. The States that permit transportation companies to work



their employees on the Sabbath substantially as on other days are Alabama, Illinois, Massachusetts, Mississippi, Nebraska, Texas, Virginia, West Virginia, New York. Those that specifically permit some railroad work but not all are New Jersey, North Carolina, South Carolina, Vermont. The only States that specifically permit street cars are Kansas, Louisiana, and Massachusetts. Vessels are permitted to keep at work in Arkansas, Louisiana, Massachusetts, Texas, West Virginia.

The manufacture of **newspapers** on the Sabbath is allowed in Louisiana, Massachusetts, Wyoming; their sale only in Minnesota, New York, Texas, Wyoming. Legal notices in Sunday papers are legalized only in New Jersey and Wisconsin. (Suppose a divorce notice thus escapes the eye of a wife too conscientious to read a Sunday paper, and she is the person chiefly interested in a wrong about to be perpetrated.)

**Barbers** are excepted from those who may rest on the Sabbath in New Mexico, Oregon, Texas; **tobaccoists** in Minnesota, and New York; **confectioners** in Minnesota, New York; **provision dealers** (butchers, bakers, grocers) in Louisiana, Kansas, Massachusetts, Minnesota, New Hampshire, Texas, Wyoming; and **telegraphers** in Louisiana, Massachusetts; and **ice dealers** in Louisiana, Maryland, Texas, Wyoming; **bath house keepers** in Louisiana, Massachusetts, Texas, Utah; **livery men** in Louisiana, Massachusetts, New Mexico, Oregon, Texas, Utah, Washington, Wyoming; "**sacred concert**" **performers** in Massachusetts, Michigan; **butter and cheese makers** in Massachusetts, only; booksellers, actors, keepers of soda fountains and all amusement venders in Louisiana only.

By applying the law only to **those above 14 or 15** in Indiana, Nebraska, New Jersey, Ohio, South Carolina, a dangerous opportunity is left for increasing the wrong of child labor.

The States whose minimum and maximum **penalties** are absurdly small

are North Dakota, South Dakota, Iowa, Minnesota, Nebraska, New Jersey, North Carolina, South Carolina, Tennessee, Vermont. The States whose highest penalty, even for repeated Sunday selling of liquors, does not permit either imprisonment or forfeiture of license for two years or more, are, Arkansas, Colorado, Illinois, Mississippi, South Carolina. Those that permit but do not require imprisonment even after repeated offenses are, Alabama, Connecticut, Florida, Georgia, Indiana, Montana, New Hampshire, Nebraska, New Mexico, North Carolina, Ohio, Wisconsin, Wyoming. (Delaware, Maryland, Missouri, wisely specify that forfeiture of license shall be for one or two years after repeated offenses and Massachusetts and Michigan make forfeiture perpetual.) In Kentucky, New Jersey and New York a corrupt city official may restore a forfeited license next day.

States with various ambiguous, and so dangerous, exceptions and provisions, are Florida, Kansas, Massachusetts, Minnesota, Mississippi, New Hampshire, New Mexico, Virginia.

The tribes in the Indian Territory have Sabbath laws that should put to shame the States and Territories that have no such laws, or worse than none. As a sample we give that of the Cherokee Nation, as follows: Every merchant, mechanic, artist, or other person, who shall **keep open his store**, warehouse, shop, workhouse, or other place of business, or shall engage on Sunday in any manner of work, **labor**, or business, except only works of necessity and charity, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not exceeding **\$50**.

§ 77. One-half of all fines shall be paid to the solicitor and sheriff; provided, that the keeping open of **apothecary** shops and the preparation and sale of medicines on Sundays, for immediate use, shall not be deemed a violation of the provisions of this act.

The Better Elements of U. S. Sabbath Laws.*										
(Combine in one law to make best of all.) Sunday being set apart by general consent, as a day of rest and worship, the law forbids										
From midnight Saturday to midnight Sunday,†	..	..	..	..	..	..	..	..	..	..
labor, except of necessity and mercy,‡	..	..	..	..	..	..	..	..	..	..
and except private work by Saturday keepers,‡	..	..	..	..	..	..	..	..	..	..
opening of business places, §	..	..	..	..	..	..	..	..	..	..
except for milk and medicines, +	..	..	..	..	..	..	..	..	..	..
and for these only before 9:30, and 4 to 5, making contracts (does not for all commercial paper) ; §	..	..	..	..	..	..	..	..	..	..
opening of rooms where liquors are commonly sold, §	..	..	..	..	..	..	..	..	..	..
or hiding interiors of such by screens,§	..	..	..	..	..	..	..	..	..	..
amusements for gain, or noisy, or public ; §	..	..	..	..	..	..	..	..	..	..
admittance fees anywhere ; §	..	..	..	..	..	..	..	..	..	..
street processions passing churches with music ; §	..	..	..	..	..	..	..	..	..	..
all court service except criminal arrests and to prevent fraud, (does not for court purposes), §	..	..	..	..	..	..	..	..	..	..
Nothing in this law [shall be construed] to permit railroad men, barbers, tobacconists, photographers, confecti- oners, newsdealers, provision dealers, or ice dealers, to pursue their vocations on Sunday. . . . . Penalty, fine and imprisonment after first offense. . . . .	..	..	..	..	..	..	..	..	..	..
ALABAMA.	..	..	..	..	..	..	..	..	..	..
ALASKA.	..	..	..	..	..	..	..	..	..	..
ARIZONA.	..	..	..	..	..	..	..	..	..	..
ARKANSAS.	..	..	..	..	..	..	..	..	..	..
CALIFORNIA.	..	..	..	..	..	..	..	..	..	..
COLORADO.	..	..	..	..	..	..	..	..	..	..
CONN.	..	..	..	..	..	..	..	..	..	..
DELAWARE.	..	..	..	..	..	..	..	..	..	..
DIS. COLUMBIA.	..	..	..	..	..	..	..	..	..	..
FLORIDA.	..	..	..	..	..	..	..	..	..	..
GEORGIA.	..	..	..	..	..	..	..	..	..	..
IDAHO.	..	..	..	..	..	..	..	..	..	..
ILLINOIS.	..	..	..	..	..	..	..	..	..	..
INDIANA.	..	..	..	..	..	..	..	..	..	..
INDIAN TER.	..	..	..	..	..	..	..	..	..	..
Tribes have varied but excellent laws.										..
IOWA.	..	..	..	..	..	..	..	..	..	..
KANSAS.	..	..	..	..	..	..	..	..	..	..
KENTUCKY.	..	..	..	..	..	..	..	..	..	..
LOUISIANA.	..	..	..	..	..	..	..	..	..	..
MAINE.	..	..	..	..	..	..	..	..	..	..
MARYLAND.	..	..	..	..	..	..	..	..	..	..
MASS.	..	..	..	..	..	..	..	..	..	..
MICHIGAN.	..	..	..	..	..	..	..	..	..	..
MINNESOTA.	..	..	..	..	..	..	..	..	..	..
MISSISSIPPI.	..	..	..	..	..	..	..	..	..	..
MISSOURI.	..	..	..	..	..	..	..	..	..	..
MONTANA.	..	..	..	..	..	..	..	..	..	..
NEBRASKA.	..	..	..	..	..	..	..	..	..	..
NEVADA.	..	..	..	..	..	..	..	..	..	..
N. HAMPSHIRE	..	..	..	..	..	..	..	..	..	..
NEW JERSEY.	..	..	..	..	..	..	..	..	..	..
NEW MEXICO.	..	..	..	..	..	..	..	..	..	..
NEW YORK.	..	..	..	..	..	..	..	..	..	..
N. CAROLINA.	..	..	..	..	..	..	..	..	..	..
N. DAKOTA.	..	..	..	..	..	..	..	..	..	..
OHIO.	..	..	..	..	..	..	..	..	..	..
OREGON.	..	..	..	..	..	..	..	..	..	..
PENNSYLVANIA	..	..	..	..	..	..	..	..	..	..
RHODE ISLAND	..	..	..	..	..	..	..	..	..	..
SO. CAROLINA.	..	..	..	..	..	..	..	..	..	..
SO. DAKOTA.	..	..	..	..	..	..	..	..	..	..
TENNESSEE.	..	..	..	..	..	..	..	..	..	..
TEXAS.	..	..	..	..	..	..	..	..	..	..
UTAH.	..	..	..	..	..	..	..	..	..	..
VERMONT.	..	..	..	..	..	..	..	..	..	..
VIRGINIA.	..	..	..	..	..	..	..	..	..	..
WASHINGTON.	..	..	..	..	..	..	..	..	..	..
W. VIRGINIA.	..	..	..	..	..	..	..	..	..	..
WISCONSIN.	..	..	..	..	..	..	..	..	..	..
WYOMING.	..	..	..	..	..	..	..	..	..	..

\* Marks (+) show what States are right, and blanks which are deficient on each point. † Implied often when not stated. § Forbidden in weaker or less specific form in some States not marked. ¶ See page 115. ‡ Permitted as "mercy" when not specified. P Prohibition all days.

[Form of City or Town Petition for the Enforcement of Sabbath Laws.]

**To the Executive Officers of the City (or Town) of** .....

The undersigned, your constituents, call your attention to the fact that the State laws, enacted for our protection against Sunday toil and traffic and turmoil, are notoriously violated, and we call upon you to enforce these laws, assuring you of our hearty support in this performance of your sacred oath.

NAMES.	RESIDENCES.
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[Form of Petition, when Efforts are made to Weaken the State Sabbath Laws.]

**To the State Senate of** .....(Duplicate to House.)

The undersigned, citizens of the town or city of ..... respectfully represent that great advantages have accrued to the public and private interests of the people of this State, from the operation of the laws upon our statute books in relation to the observance of the first day of the week, and they therefore pray your honorable body that no act be passed that will in any way impair the efficiency of the laws which now secure to the toiler his needed weekly rest.

NAMES.	OCCUPATIONS.
--------	--------------

[Form of Petition for Amendment of State Sabbath Laws.]

**To the State Senate of** .....(Duplicate to House.)

The undersigned, adult residents of the city (or town) of ..... hereby earnestly petition your honorable body to so amend our State laws with reference to the first day of the week, that, with the exception of works of real necessity and mercy, and private work by those who keep Saturday, all toil, and traffic and turmoil, whether by railroad or other corporations, or by individuals, shall be equitably forbidden and vigorously suppressed, and so our State enjoy the benefits of laws on this subject as good or better than the best.

NAMES.	OCCUPATIONS.
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**DIFFICULTIES OF THE SATURDAY SABBATH THEORY.**

By **Rev. GEORGE ELLIOTT, Washington, D. C.**

Probably no commentator or expositor of Scripture would now claim that by the creative week we are to understand seven literal days of twenty-four hours each. So long ago as the time of Augustine, that great theologian declared these to be not literal but ineffable days.

Surely no advocate of the Saturday Sabbath understands by the declarations of Genesis that God literally rested on Saturday. Indeed, it is evident that by the resting of God we must understand something quite different from man resting. The whole account belongs rather to poetry than to history.

It follows, therefore, that to place literalism upon the ordinance of the Sabbath, when it is the type of something so mystical in meaning as the cosmogony of Genesis, is to be indeed enslaved to the letter.

There is no possible means of fixing the day of the original Sabbath. There is no certain preserved calendar of days and months and years. For the sake however, of any literalists who still believe that the work of creation began on Sunday eve and ended Friday at sunset, it may be suggested that the seventh day of creation was the first day of man's existence. If he began the calculation of the week from that day and kept the same Sabbath with his Maker, then the first day of the week and not the seventh was the primitive and patriarchal Sabbath. If a crude, bald literalism is to be the rule of interpretation, let us follow it boldly, no matter where it takes us.

It is very improbable that the primitive Sabbath was directly and regularly transmitted to the time of Moses. The calendar is not forthcoming. Until some brass tables forged by Tubal Cain have been found, or the very notches by which Noah cut the days of the week and kept track of them on the door-posts of the ark have been produced, we shall insist that the Mosaic Sabbath cannot possibly be identified with the Sabbath of creation.

The case is made still more difficult when we remember that the Hebrew monotheistic element begins with Abram of Chaldea. It is possible that he brought from Mesopotamia the division of the week and the tradition of the Sabbath.

In the Chaldean calendar, so far as we can certainly be acquainted with it, each month contains thirty days and was divided

into four weeks of seven days each, the last two days being regarded as intercalary. The first day of the week was therefore regularly the first day of the month. The fact that two extra days in each month were excluded from the computation of the week and regularly skipped makes it impossible that by this system of computation the exact recurring seventh day from the creation of man could not have been handed down to Abram. The Assyrian Sabbath, of which traces have been supposed to be found, occurred on the 7th, 14th, 21st, and 28th days of the month.

There is also a break between Abram and Moses. For several generations Israel was in bondage in Egypt, and we must infer, without a Sabbath. The Egyptians had not the seven days, but observed a period of ten days. It is not likely that a servile tribe without letters or culture could have preserved unchanged for over four hundred years a week whose very existence was connected with a day of rest of which they had been deprived. Consequently we find, as might have been expected, that the Mosaic Sabbath is introduced as something new, at the giving of the manna, and is always spoken of as established in memory of the deliverance from Egypt.

These facts are quite sufficient to dispose of any pretense of observing the original day of the Sabbath. The Jewish Sabbath was a Sabbath for a people whose entire country was comprised within a single degree of longitude. It is very evident that a Sabbath which was adapted to such a people cannot literally be applied to our Christian dispensation, which ranges over the whole three hundred and sixty degrees of the earth's surface, and where the day consequently begins at very hour of the twenty-four, to say nothing of the polar regions, where the day is six months long and the inhabitants would have to wait seven years for any Sabbath which lasted from sunset to sunset.

We do not believe that there are any bits of glorified duration floating through time marked out from all other time. Time is sacred by its uses, and that time which we devote to a sacred use is made holy by such use. Time is an adjustment to our human weakness, a mode to our finite thinking, and while the law of the Sabbath is such that when manifested it must

make a special portion of time the material of which the Sabbath consists, yet its moral obligation is inherent in its moral meaning and not in its temporal garb of times and seasons. Yet without doubt the spiritual intent of the Sabbath will fail of full realization except all men unite upon one day. This one day we arrive at, not by a study of ancient calendars and chronology, but by consensus of the Christian Church, which has not been without defined guides and which has for the highest and holiest reasons fixed upon the Lord's Day as a day which for Christendom embodies within itself the perpetual obligation of the Sabbatic law.

Another difficulty is connected with our purely arbitrary use of our word "day." When does the day begin and end? Shall we define, as in the first chapter of Genesis, that the evening and morning make a Day, and therefore reckon from sunset to sunset, as did the Puritans? Or shall we keep the civil day from midnight to midnight?

Again, if we travel around the world to the westward we shall gain a day on the

sun. Two islands in the Pacific within a few hours' journey of each other, one settled by Seventh-Day Baptists and the other by orthodox, may easily be conceived as keeping, the one Saturday and the other Sunday, the same absolute period of time. Hence, Dr. Wallace, of Oxford, recommended Seventh-Day Sabbatarians to make a voyage around the world, "going out of the Atlantic Ocean westward by the Straits of Magellan to the East Indies, and then from the east returning by the Cape of Good Hope homeward, and let them keep their Saturday Sabbath all the way. When they come home they will find their Saturday to fall on our Sunday, and they may thenceforth continue to observe their Saturday Sabbath on the same day with us."

Indeed, there is no end to complications and petty problems that may arise when we once begin to exalt the form over the substance. Reason and common sense refuse to be put in bondage to such a thought form as time. It is a return to the slavery of the letter which Christian freedom cannot tolerate.

### THE RELATION OF SUNDAY LAWS TO THE JEWS.

The courtesy with which Jewish papers have conducted the controversy against Sunday laws is in marked contrast with the discourtesy of the Seventh-Day Adventist organ. The Jew who has worked on Saturday in violation of his religion, and then pleads it as a defense when arrested for violation of the Sunday law, deserves no consideration either by Gentiles or by real Jews. For the latter, the following extract from a letter by W. F. Crafts, in the *American Hebrew*, on the Sunday law proposed in the Sunday Rest Petition to Congress, is subjoined:

"What wrong or even hardship would such a law impose on the Jews, that their rabbis should join with liquor dealers and infidels and the lawless classes in opposing this petition, which has been indorsed by the great labor organizations of this country and by millions of good citizens of all creeds? Let us see. Jews in the mail and military service and in interstate commerce, under present arrangements, get neither Saturday nor Sunday for rest. There is no movement to get them Saturday. Surely it would be better for them to rest on Sunday than to have no rest day. The only Jews whose privileges this law could in the least abridge are the very few who are engaged in shop keeping in

the District of Columbia and the Territories. "Private work" is to be allowed. By police regulation and territorial laws, shops are usually closed already in the District and Territories. Were it not that the opening of Jewish stores seems to compel the opening of rival Gentile stores, so that the Sunday liberty of one becomes the Sunday slavery of all, we should not object to the few Jews who actually close Saturday, opening Sunday.

We believe Jews are settling this problem themselves, and will some day see that the Fourth Commandment only requires some uniform, fixed day of weekly rest, after six days of work, not after six days of the week. A leading rabbi of Brooklyn proposed that we should compromise on some day in the middle of the week. It is more consistent with the republican institutions that the minority, seven-tenths of one per cent., who keep the Saturday-Sabbath should transfer their observance to the American Sabbath. Certainly law abiding Jews should not seek to break down the institution, which, more than all others, has made America so free from the Anti-Semitism which flourishes in all countries except those that stop business one day in the week that the people may learn justice."

## SENATOR BLAIR ON SEVENTH DAY ADVENTIST FALLACIES.

[FROM STENOGRAPHIC REPORT OF THE HEARING ON THE "SUNDAY REST BILL."]

Professor A. T. Jones, (Seventh-Day Adventist).—The principle upon which we stand is that civil government has nothing to do with religious observances. "Render unto Cæsar the things which are Cæsar's, and unto God the things that are God's."

Senator Blair.—If Cæsar is society and the Sabbath is required for the good of society, does not God require us to establish the Sabbath for the good of society, and if society makes a law accordingly is it not binding?

Mr. Jones.—It is the good of society to be Christian; it would be for the benefit of society.

Senator Blair.—Do you not confuse this matter? A thing may be required for the good of society, and for that very reason be in accordance with the will and the command of God. God uses his command for the good of society, does he not? God does not give us commands that have no relation to the good of society.

Mr. Jones.—I deny the right of any civil government to make any law respecting anything that pertains to man's relationship to his God under the first four of the Ten Commandments.

Senator Blair.—Then you assume that this bill and all Sunday laws concern only the relationship of man to God, and not the relation of men to each other?

Mr. Jones.—That is the principle by which other things come in.

Senator Blair.—Right there I found fault with your original proposition. You have got to establish before you can defeat the ground of Sunday laws, that Sunday laws are not for the good of Cæsar—that is, not for the good of society. \* \* \*

Senator Blair.—Now if the Sabbath is necessarily for the general good of society, a republican form of government must make and enforce the observance of the Sabbath just as the theocracy did. You seem to be laboring, as it strikes me, under the impression that a civil government for the good of the people, carried on by us under the republican form, cannot do anything that the theocratic form of government does when the theocratic is the only form. They necessarily cover the same subjects matter, the control, the development of the good and the health of society; it makes no difference which one or the other it may be. \* \* \* Have you ever known an instance, though the sentiment in favor of a Sabbath seems to be growing constantly stronger, where any State in this Union undertook to enact a law that anybody should go to church?—which is the danger you seem to apprehend.

Mr. Jones.—Not yet. They are now after the first law. This will lead to that.

Senator Blair.—Do you understand that it is the Church or the State that is making this law?

Mr. Jones.—It is the State that is doing it, just as Constantine did, to satisfy the Churches.

Senator Blair.—It may or may not satisfy the Churches. The Churches give their reasons here, which may be right or wrong, for the establishment of the Sabbath; for this Sunday legislation in all the States. The State, the whole people, make the law. You say that the whole people shall not make a good law because the Churches ask for it. \* \* \*

Senator Blair.—You would abolish any Sabbath in human practice which shall be in the form of law unless the individual here and there sees fit to observe it?

Mr. Jones.—Certainly; that is a matter between man and his God.

Senator Blair.—I have been all through this that the working people go through. I have been hungry when a boy. The first thing I can remember about was being hungry. I know how the working people feel. I have tugged along through the week and been tired out Saturday night, and I have been where I would have been compelled to work until the next Monday morning if there had been no law against it. I would not have had any chance to get that twenty-four hours' rest if the Sunday law had not given it to me. It was a civil law under which I got it. The masses of the working people in this country would never get that twenty-four hours' rest if there had not been a law of the land that gave it to us. There is that practical fact, and we are fighting with that state of things; the tired and hungry man, woman and child all over this country who wants a chance to lie down and rest for twenty-four hours out of the whole seven days. \* \* \* Abolish the law of rest, take it away from the working people, and leave corporations, and employers, and saloon-keepers, and everybody at perfect liberty to destroy that twenty-four hours of rest, and lawgivers and lawmakers will find out whether or not the people want it, and whether they want those lawmakers. \* \* \* Certainly the hard working man needs rest, and the preachers, church members, and millionaires may do as they please.

\* \* \* \* \*  
*The bill is simply an act proposing to make efficient the Sunday rest laws of the States, and nothing else.*

## THE NEW BLAIR SUNDAY REST BILL.

IN THE SENATE OF THE UNITED STATES.  
DECEMBER 9, 1889.

Mr. Blair introduced the following bill, which was read twice and referred to the Committee on Education and Labor.

A Bill to secure to the people the privileges of rest and of religious worship, free from disturbance by others, on the first day of the week.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person or corporation, or agent, servant or employee of any person or corporation, or in the service of the United States in time of peace, except in the necessary enforcement of the laws, shall perform, or authorize to be performed, any secular work, labor, or business to the disturbance of others, works of necessity and mercy and humanity excepted; nor shall any person engage in any play, game, or amusement or recreation to the disturbance of others on the first day of the week, commonly known as Sunday, or during any part thereof, in any territory, district, vessel, or place subject to the exclusive jurisdiction of the United States; nor shall it be lawful for any person or corporation to receive pay for labor or service performed or rendered in violation of this section.

Sec. 2. That no mails or mail matter shall hereafter be transported in time of peace over any land postal route, nor shall any mail matter be collected, assorted, handled, or delivered during any part of the first day of the week, provided, that whenever any letter shall relate to a work of necessity or mercy, or shall concern the health, life or disease of any person, and the fact shall be plainly stated upon the face of the envelope containing the same, the Postmaster General shall provide for the transportation of such letter or letters in packages separate from other mail matter, and shall make regulations for the delivery thereof, the same having been received at its place of destination before the said first day of the week, during such limited portion of the day as shall best suit the public convenience and least interfere with the due observance of the day as one of worship and rest; and provided further, that when there shall have been an interruption in the due and regular transmission of the mails, it shall be lawful to so far examine the same when delivered as to ascertain if there be such matter therein for lawful delivery on the first day of the week.

Sec. 3. That the prosecution of commerce between the States, and with the *Indian tribes*, the same not being work of *necessity, mercy or humanity*, by the *transportation of persons or property* by

land or water in such a way as to interfere with or disturb the people in the enjoyment of the first day of the week, or any portion thereof, as a day of rest from labor, the same not being labor of necessity, mercy, or humanity, or its observance as a day of religious worship, is hereby prohibited, and any person or corporation, or the agent, servant or employee of any person or corporation, who shall willfully violate this section shall be punished by a fine of not less than ten nor more than one thousand dollars, and no service performed in the prosecution of such prohibited commerce shall be lawful, nor shall any compensation be recoverable or be paid for the same.

Sec. 4. That all military and naval drills, musters and parades, not in the time of active service or immediate preparation therefor, of soldiers, sailors, marines or cadets of the United States on the first day of the week, except assemblies for the due and orderly observance of religious worship, are hereby prohibited, nor shall any unnecessary labor be performed or permitted in the military or naval service of the United States on the first day of the week.

Sec. 5. That it shall be unlawful to pay or to receive payment or wages in any manner for service rendered or for labor performed, or for the transportation of persons or of property in violation of the provisions of this act, nor shall any action lie for the recovery thereof, and when so paid, whether in advance or otherwise, the same may be recovered back by whoever shall first sue for the same.

Sec. 6. That labor or service performed and rendered on the first day of the week, in consequence of accident, disaster, or unavoidable delay in making the regular connections upon postal routes and routes of travel and transportation, the preservation of perishable and exposed property and the regular and necessary transportation and delivery of articles of food in condition for healthy use, and such transportation for short distance from one State, district or Territory into another State, district or Territory as by local laws shall be declared to be necessary for the public good, shall not be deemed violations of this act, nor shall the provisions of this act be construed to prohibit or to sanction labor on Sunday, by individuals who conscientiously believe in and observe any other day than Sunday as the Sabbath or a day of religious worship, provided such labor be not done to the disturbance of others.

[Form of Petition.]

*To the United States Senate: (Duplicate to House.)*

The undersigned organizations, and adult residents (21 years of age or more) of the United States, hereby earnestly petition your honorable body to pass the Blair Sunday Rest Bill.

## THE SEVENTH-DAY ADVENTIST PETITION TO CONGRESS.

In opposition to the great petition for a National Sunday Rest Law, the Seventh Day Adventists are circulating a counter-petition, which, in some cases, has deceived the very elect. The Petition in duplicate to the United States Senate and House of Representatives, is as follows:

"We, the undersigned, adult residents of the United States, 21 years of age or more, hereby respectfully but earnestly petition your Honorable body not to pass any bill in regard to the observance of the Sabbath, or Lord's Day, or any other religious or ecclesiastical institution or rite; nor to favor in any way the adoption of any resolution for the amendment of the National Constitution that would in any way give preference to the principles of any one religion above another, or that will in any way sanction legislation upon the subject of religion, but that the total separation between Religion and the State, assured by our National Constitution as it now is, may forever remain as our fathers established it."

Our own original petition, which called forth the above counter-petition, is as follows:

"The undersigned adult residents of the United States, 21 years of age or more, hereby earnestly petition your honorable body to pass a bill, forbidding, in the United States Mail and Military service and in interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of real necessity and mercy, and such private work by those who observe another day as will neither interfere with the general rest nor with public worship."

Certainly it would take more than an ordinary microscope to find in the petition just given, the conspiracies against American principles which the counter-petition first quoted leads its readers to expect.

The counter-petition is not technically a falsehood, but it is certainly calculated to give the false impression (which, on the lips of some who circulate this counter-petition, becomes more than implication), that the petition which millions of us have been urging before Congress, includes a proposition to enforce "Sabbath observance" as a "religious or ecclesiastical institution or rite," and also a proposition to weaken the present guarantees of our Constitution against a union of Church and State! Both of these implications are absurdly false. Our petition is headed: "For a Sunday Rest Bill,"

and simply asks a law to protect the people in their right to a weekly day of rest, without requiring of any one a religious observance of the day, and without hindering those who observe another day from either worshipping on that day or working on the first day of the week—unless the work be of such a nature, shop-keeping for instance, as will interfere with the general rest. There are enough forms of "private work" that are generally permitted on the Sabbath to save any one from disobeying the command, "six days shalt thou labor."

Out of the millions who have petitioned for a National Sabbath Rest Law, only a few thousand have asked for the original "Blair Sunday Rest Bill." But even that Bill for months has not been opened to a single one of the charges made by implication against it in the counter-petition. The Bill, as originally presented, contained in the title and in the closing sentence an intimation that the law was intended, secondarily, to "promote the religious observance of the day,"<sup>a</sup> but the wording of the Bill itself showed that this was to be done, not by compelling any one to attend church or to abstain from doing so on any day, nor by forbidding any one to engage in work or recreation of a private character on the first day of the week, but only by giving *opportunity* for the culture of conscience on the part of those who desired it through the general suspension of public business. But it was stated in the presence of the champions of the Saturday Sabbath at the time of the Washington Convention and Hearing, that the word "promote" in this connection would be changed by the author of the Bill, to "protect," so that public worship, so far as that Bill is concerned, would simply have that *protection* which any legitimate institution of the American people is entitled to on any day.

Except these brief references, the original "Blair Sunday Rest Bill" was entirely occupied with provisions for "Sunday Rest."

<sup>a</sup>The title of the new Blair Sunday Rest Bill of the 51st Congress is: "A bill to secure to the people the privileges of rest and religious worship, free from disturbance by others, on the first day of the week."

The new bill also makes the following exception for those who observe Saturday. "Nor shall the provisions of this act be construed to prohibit or to sanction labor on Sunday by individuals who conscientiously believe in and observe any other day than Sunday as the Sabbath or a day of religious worship, provided such labor be not done to the disturbance of others."



The Bill introduced no new principle of legislation. It was simply a supplement to the State Sabbath laws: first, to stop the breaking of those laws, and the Constitution itself, by Congress, through the Sunday work it requires in the various States in the Mail and Military Service; secondly, to give to those working in these departments, and in interstate commerce, and in the Territories, and in the District of Columbia, who are beyond the control of State laws, the same protection in the matter of their rights of conscience and their right to the weekly rest that is given to nearly all our people by the Sabbath laws of the States.

Where, then, does the counter-petition find its ground for the implication, that there is in this measure a weakening of the American guarantees against a union of Church and the State? We answer, By the very ingenious, but not ingenious, device of treating *two distinct measures* that were before the last Congress as if they were one; by making one petition against both, instead of two separate petitions, which is the only honest method of getting the real sense of the people in regard to them. These two measures happened to come, both of them, from Senator Blair, who wrote one in behalf of one group of persons, and the other in behalf of another and much larger group. It would be quite as fair to group the non-partisan Educational Bill of the same Senator with the most extreme Republican bill he has ever favored, in order to get signatures against the Educational Bill from those who were only opposed to his Republican measure.

It will surprise those officers and members of evangelical churches who have hastily signed the counter-petition, not because they are opposed to Sabbath laws, but because they dislike the union of Church and State, to know that the proposed Constitutional Amendment offered by Senator Blair, which is attacked in this counter-petition, so far from weakening the present attitude of the Constitution in this matter, is a measure to *strengthen it*. At present only "*Congress*" is forbidden to set up "an establishment of religion." Senator Blair proposes to forbid *state legislatures* also to do this, as there is at present nothing to prevent Utah, when it becomes a State, from establishing Mormonism, or New Mexico, Catholicism, or Wyoming, Presbyterianism.

But a minor provision in this Amendment—the proposition that the public schools shall "teach the principles of the Christian religion," by which is meant *Christian morality*, that is, morality with God and the Bible behind it, which, it is claimed, is a necessity of life in a republic, and which the friends of the Amendment declare can be taught without sectarianism, recognizing

only the preference which the Government has shown from the first for Christian morality over Mormonism or Mohammedanism; recognizing "the Christian religion" only as the government has always recognized it, by its chaplaincies, its oaths, its thanksgiving days—this provision of the amendment has many opposers, even among evangelical Christians; and the shrewd originators of this counter-petition, perceiving that there is by no means a sufficient number opposed to Sabbath laws, counting liquor sellers, infidels and Sunday newspapers, with the little contingent of Saturday worshippers (who form seven-tenths of one per cent. of the population) to defeat the great Sunday Rest Petition, which has been indorsed by the chief labor organizations, and by nearly all denominations of Christians, have so *extended their petition as to get signatures on the same document from those who are opposed to all Sabbath laws, and also from friends of the Sabbath who are only opposed to the attempt to teach Christian morals in public schools, or to a union of Church and State*.

Not content with this, those who are urging this counter-petition by voice and pen, attempt to enlist yet others in their motley army, by declaring what is as ridiculous as it is false, that the Sunday Rest movement is only a preparatory step to a further measure *compelling everybody to attend church on the first day of the week*.

Many others are induced to sign the counter-petition out of hostility to Roman Catholicism. The promoters of this counter-petition, in their official publications, in public addresses, and through their assistants, most violently assert that the Sabbath Rest movement is *a scheme in the interest of the papacy*, alleging as conclusive proof the fact that it has been indorsed by Cardinal Gibbons. This endorsement was given after millions of Protestants had indorsed it, and at my own solicitation. To be consistent, the counter-petition should oppose the Labor movement and Total Abstinence movement in its manifold platform, on the ground that the Cardinal has indorsed both of these movements also.

The fundamental error of the chief promoter of this petition, is that he overlooks or ignores the fact that the same subject may have both a religious and a civil aspect, the one to be guarded by the Church, the other by the State. If legislatures have nothing to do with the Commandment, "Remember the Sabbath Day to keep it *holy*," they have to do with man's duties to his fellows, and it is only with these human relations, as they relate to "the general welfare," that American Sabbath laws of to day have to do.

*To the Signers of the Seventh Day Adventist Petition to Congress.*

Your name appears on the petition to Congress opposing legislation on "Sabbath observance" and many other matters as given on page 123. This petition is *verbally* claimed to be in opposition to another petition (given below it), some of whose signers declare they could also sign the petition you have indorsed if it is to be understood exactly as it reads. The petition which you have signed refers to a "bill" and also to an "amendment," two distinct measures that were before the last Congress, each of which has many subordinate propositions, and to some other matters not included in either measure.\* We are, therefore, in doubt whether you are against some one of the many things named in the petition, or against them all. Hence, these inquiries:

*First.* You ask Congress "not to pass any bill in regard to the observance of the Sabbath or Lord's Day, or any other religious or ecclesiastical institution or rite." Do you wish to be considered as also opposed to the "Sunday Rest Petition," which only asks Congress to give those under its jurisdiction the same protection against Sunday toil and traffic and turmoil as is generally enjoyed by those who are under the jurisdiction of State legislatures.

Answer: .....

*Second.* Our petition, you will observe, makes no reference to the original Blair Sunday Rest Bill, which may be what you wished to oppose. If so, do you object also to the new Blair Sunday Rest Bill (see p. 122) of the present Congress?

Answer: .....

*Third.* Do you object to giving Sunday rest to the Soldiers and Marines in the United States Army and Navy—thus completing and making permanent by law

\* This Seventh Day Adventist petition is like a Maypole—it provides strings to catch "all sorts and conditions of men." To the Catholic who would not sign a plain petition against Sunday laws, especially would not oppose what his Cardinal had approved, they reach out the string about religion in the schools; to the Protestants, the string about Church and State; to the Southern conservative, the string about keeping the Constitution as it is; and so all these dance round the disguised Maypole together, unconscious that they are being counted not alone against the things to which their attention was called, but against the civil Sabbath also and especially.

Those who discover that their signatures have been obtained under false pretenses should so write, asking that they be allowed to have their names withdrawn from the petition, or asking that their indorsement be considered only as against enforcing the religious observance of the Sabbath, not as against Sunday Rest Laws for workmen.

what the President has done in this matter by proclamation?

Answer: .....

*Fourth.* Do you object to giving to Post Office employees the same protection against needless Sunday work that is given to other Government employees and to employees generally, thus completing and making permanent by law what the Postmaster General has done in this matter?

Answer: .....

*Fifth.* Do you object to making permanent by law, the reductions of Sunday work recently made by many railroad corporations, and completing these reforms by removing what railroad presidents declare to be the chief obstacle to complete suspension of Sunday trains, namely, competition, by stopping all Sunday work in interstate commerce that is not work of necessity or mercy?

Answer: .....

*Sixth.* Do you object to giving a Rest Day to the People of the District of Columbia, whose Commissioners have recently said that it has no valid Sunday law, not even enough to stop servile labor on that day; which is, therefore, to be classified with those Frenchy and frontier parts of the civilized world having no Sunday law? Do you object to the enactment by Congress of as good a "Sunday Rest Law" for the Capital as can be found in the statutes of any State, in accordance with the desire of the Commissioners, approved by the President?\*

Answer: .....

\* Extract from Report of Commissioners of the District of Columbia to 51st Congress: "The Commissioners recently had occasion to pass upon the complaint of a citizen that the work of constructing a street railway was prosecuted on Sunday. An examination of the statutes failed to disclose any existing general law prohibiting such employment. The Commissioners believe that secular employments should not be allowed on Sunday, and they recommend the enactment of a law in accordance with that sentiment." President Harrison expressed specific and emphatic approval of the above proposition to a committee of the American Sabbath Union, and refers to it and kindred matters in the following paragraph of his message: "The interests of the people of the District of Columbia should not be lost sight of in the pressure for consideration of measures affecting the whole country. Having no Legislature of its own, either municipal or general, its people must look to Congress for the regulation of all those concerns that, in the States, are the subject of local interest. Our whole people have an interest that the National Capital should be made attractive and beautiful, above all, that its repute for social order should be well sustained."

*Seventh.* Or is it the enforcement by law of a religious observance of Sunday that you oppose?

Answer: -----

on the first day of the week, that all the people may have OPPORTUNITY for rest and home fellowships, and those who choose for moral culture?

Answer: -----

*Eighth.* Are you opposed to a purely civil law stopping toil and traffic and turmoil

Please sign as indicated below and return to,

Yours, respectfully,

WILBUR F. CRAFTS,

74 E. 90th Street, New York City.

*Memorial to the United States Senate:* The undersigned indorsed a Seventh Day Adventist petition asking Congress not to pass any bill in regard to the observance of the Sabbath, etc., etc., under misapprehension, and wishes to withdraw his indorsement and transfer it to the Sunday Rest Petition of the American Sabbath Union and the Woman's Christian Temperance Union.

NAMES.

RESIDENCES.

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*Memorial to House of Representatives of the U. S. :* The undersigned indorsed a Seventh Day Adventist petition asking Congress not to pass any bill in regard to the observance of the Sabbath, etc., etc., under misapprehension, and wishes to withdraw his indorsement and transfer it to the Sunday Rest Petition of the American Sabbath Union and the Woman's Christian Temperance Union.

NAMES.

RESIDENCES.

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